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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LARRY W. KIRK,

No. CIV S-09-0668-CMK-P

Petitioner,

vs.

ORDER

S.M. SALINAS,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to the written consent of all parties, this case is before the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c). Pending before the court is petitioner’s third amended petition (Doc. 30).

Following the dismissal of plaintiff’s second amended petition as a mixed petition, petitioner was provided an opportunity to file a third amended petition, which he has now done. Respondent, however, has not filed a response to the third amended petition.

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1 To the extent respondent was waiting for a court ordered deadline to file a
2 response, the court now orders that a response to the third amended petition (Doc. 30) shall be
3 filed within 30 days of the date of this order.¹

4 IT IS SO ORDERED.

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6 DATED: May 10, 2011

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8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE

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25 _____
26 ¹ Given the amount of time that has passed since the third amended petition was
filed, the court will not look favorably upon any motion for additional time to file the response.