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

JERRY FRED HAMILTON,
Petitioner,

No. CIV S-09-1411-MCE-CMK-P

vs.

ORDER

LYDIA HENSE,
Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 25, 2009, the court issued findings and recommendations that this action be summarily dismissed as unexhausted. Good cause appearing therefor, the findings and recommendations are vacated. The court will address petitioner's petition by separate findings and recommendations issued herewith.

IT IS SO ORDERED.

DATED: August 27, 2009



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE