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

ROBERT BENNETT,

Petitioner,

No. CIV S-09-1992 EFB P

vs.

MATHEW CATES, Warden,

Respondent.

ORDER

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Petitioner, a state prisoner proceeding without counsel, seeks a writ of habeas corpus.

*See* 28 U.S.C. § 2254.

Due purely to clerical error, the court issued an order on July 20, 2010 dismissing the petition without leave to amend. Judgment was entered pursuant to that order on the same day, and petitioner filed a notice of appeal on August 4, 2010. Because the order issued on July 20, 2010 was issued in error, that order and the judgment (Docket Nos. 9 and 10) are hereby VACATED, and petitioner's notice of appeal (Docket No. 13) is deemed withdrawn. The case shall proceed as provided in the order of June 16, 2010.

Dated: August 10, 2010.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE