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

JAMES McELROY,

Petitioner,

No. 2: 09-cv-2259 GEB KJN P

vs.

JAMES HAVILAND,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding without counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the 2007 Board of Parole Hearings (“BPH”) decision finding him unsuitable for parole.

The record does not contain a copy of the psychological report relied on by the BPH in 2007 to find petitioner guilty. The record also does not contain a copy of the report discussing petitioner’s prison disciplinary record relied on by the BPH.

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1 Accordingly, IT IS HEREBY ORDERED that within twenty-one days of the date
2 of this order, respondent shall file a copy of the report discussing petitioner's prison disciplinary
3 record and the psychological report relied on by the BPH at petitioner's 2007 suitability hearing.

4 DATED: October 20, 2010

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8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

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