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

MICHAEL HANSEN,

Petitioner,

No. CIV S-09-2646 GEB DAD P

vs.

M. MARTEL,

Respondent

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Therein, petitioner challenged a decision of the California Board of Parole Hearings denying him parole. On December 30, 2010, this court issued findings and recommendations which recommended that the petition be granted. In light of the Supreme Court's recent decision in Swarthout v. Cooke, 562 U.S. ___, 2011 WL 197627 (Jan. 24, 2011) (per curiam), those findings and recommendations will be vacated.

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1 Accordingly, IT IS HEREBY ORDERED that the December 30, 2010 findings
2 and recommendations are vacated. New findings and recommendations will issue in due course.

3 DATED: January 31, 2011.

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6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:8
8 hansen2646.vac

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