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

ROBERT HAYDEN NESBITT, JR.,

Petitioner,

No. CIV S-09-2821 GEB GGH P

vs.

FRANCISCO JACQUEZ, Warden,

Respondent.

ORDER

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On June 29, 2011, petitioner filed a request for reconsideration of the magistrate judge’s order, filed June 16, 2011, finding petitioner’s request for a stay pending state court exhaustion of a claim of ineffective assistance of counsel, filed docket # 45, to have been previously addressed and adjudicated, see docket entries # 34, #39, #41, and # 43, and vacating the hearing date for the motion for a stay. Pursuant to E.D. Local Rule 303(f), a magistrate judge’s orders shall be upheld unless “clearly erroneous or contrary to law.” Upon review of the entire file, the court finds that it does not appear that the magistrate judge’s ruling was clearly erroneous or contrary to law.

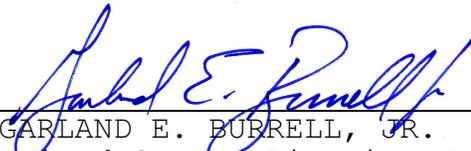
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1                   Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the  
2 magistrate judge filed June 16, 2011, is affirmed.

3 Dated: July 9, 2011

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7 GARLAND E. BURRELL, JR.  
8 United States District Judge  
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