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

ISMAEL VIVEROS, JR.,

Petitioner,

No. CIV S-09-CV-3107 MCE CHS

vs.

MICHAEL MARTEL,

Respondent.

ORDER

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Petitioner, Ismael Viveros, Jr., is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the constitutionality of his 2007 jury convictions for first degree murder with a robbery special circumstance, robbery, illegal possession of a firearm, with penalty enhancements for use of a firearm and prior convictions.

The record in this case appears to be incomplete. Lodged Document 10, which should consist of an order by the California Supreme Court denying Petitioner’s November 18, 2008 petition for review, is actually a copy of Lodged Document 8, the October 24, 2008 unpublished opinion of the California Court of Appeal, Third Appellate District. Therefore, IT IS ORDERED that Respondent re-lodge Document 10, the order by the California Supreme Court denying Petitioner’s November 18, 2008 petition for review.

DATED: September 12, 2011

*Charlene H. Sorrentino*  
CHARLENE H. SORRENTINO  
UNITED STATES MAGISTRATE JUDGE