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

HECTOR ERNESTO URIARTE,

Petitioner,

No. CIV S-09-3417 GGH P

vs.

F. GONZALEZ, et al.,

Respondent, et al.,

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus. On December 23, 2009, the court recommended that this action be dismissed as frivolous and ordered the Clerk of the Court to assign a district judge to this action. On December 28, 2009, petitioner consented to the jurisdiction of the undersigned.

Accordingly, IT IS HEREBY ORDERED that:

1. The December 23, 2009, order directing the Clerk of the Court to assign a district judge is withdrawn based on petitioner's December 28, 2009, consent to the jurisdiction of the undersigned;

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2. For the reasons stated in the December 23, 2009, findings and recommendations, this action is dismissed.

DATED: January 6, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

ur3417.vac