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

JOSE ESCOBEDO SALAZAR,

Petitioner,

No. CIV S-09-3585 LKK GGH P

vs.

MATTHEW CATE, et al.,

Respondents.

ORDER

\_\_\_\_\_/

Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 4, 2010, this court ordered petitioner to show cause why respondent’s motion to dismiss should not be granted. On August 20, 2010, petitioner declared in his response that he never received respondent’s motion to dismiss. Based on petitioner’s declaration, IT IS HEREBY ORDERED:

1. The order to show cause is discharged;
2. Petitioner has 28 days from the service of this order to respond to the motion to dismiss; and

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3. The Clerk of Court is directed to send petitioner a copy of Doc. No. 14

enclosed with this order.

DATED: September 2, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:0014  
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