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

MICHAEL AARON WITKIN,

Petitioner,

No. 2:10-cv-0091 GEB DAD (HC)

vs.

JAMES A. YATES, Warden,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 14, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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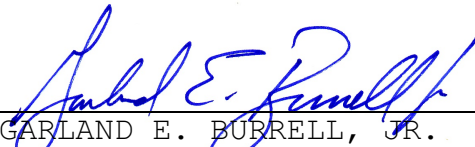
1 1. The findings and recommendations filed December 14, 2011, are adopted in
2 full;

3 2. Petitioner's April 4, 2011 motion for reconsideration (Doc. No. 39) and
4 petitioner's November 28, 2011 motion for reconsideration (Doc. No. 53) are granted;

5 3. This court's March 10, 2011 order is vacated; and

6 4. This matter is referred back to the magistrate judge for further proceedings.

7 Dated: January 4, 2012

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11 GARLAND E. BURRELL, JR.
12 United States District Judge
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