UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY A. CHATMAN, Petitioner, v. RICK HILL, Respondent.	No. 2:10-cv-00264 KJM CKD P ORDER

Petitioner, a California state inmate proceeding through appointed counsel, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 15, 2019, the petition was granted with respect to petitioner's claim of ineffective assistance of counsel and denied as to petitioner's remaining claims. ECF No. 114. Judgment was entered on the same day. ECF No. 115.

On November 18, 2019, the court received a letter from petitioner *in propria persona*, in which petitioner alleges his sentence has not been recalculated after his habeas petition was granted. ECF No. 116. In response, the court afforded counsel for respondent and counsel for petitioner the opportunity to file a response to petitioner's letter. ECF No. 117. Respondent and counsel for petitioner filed a joint response on December 18, 2019, explaining that petitioner's conviction for attempted premeditated murder was vacated pursuant to the court's order. ECF No. 119 at 2. Accordingly, on August 29, 2019, petitioner's sentence was

recalculated, and petitioner was "resentenced to 21 years in the Solano County Superior Court." *Id.* This explanation is supported by two exhibits to the joint response: a Criminal Minute Order from the Superior Court of California, Solano County, *id.* at 10 (noting defendant resentenced based on habeas grant), and petitioner's Legal Status Summary, *id.* at 14 (showing petitioner's sentence imposed September 30, 2005 was amended August 29, 2019). According to the joint response and its exhibits, petitioner's total sentence is now 21 years, based on convictions other than the vacated attempted murder conviction. *See id.*

The concerns raised in petitioner's letter appear to have been resolved. Petitioner's request for judicial notice, ECF No. 118, is DENIED as moot. This order resolves ECF Nos. 116 and 118.

IT IS SO ORDERED.

DATE: January 8, 2020.

CHIEF UNITED STATES DISTRICT JUDGE