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

LARRY A. CHATMAN,

Petitioner,

No. CIV S-10-0264 KJM KJN (TEMP) P

vs.

M.S. EVANS,

Respondent.

ORDER

_____/

On January 21, 2012, the Magistrate Judge issued Findings and Recommendations, finding that the petition in this case had been filed after the expiration of the statute of limitations, rejecting petitioner’s claim that he was entitled to equitable tolling, and recommending that respondent’s motion to dismiss be granted.

Petitioner filed objections to the findings and recommendations, supported by additional medical records from the relevant period and declarations suggesting that he did not have access to his legal materials during a portion of the limitations period and that he had not prepared the pleadings filed in state and federal court during the limitations period.

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1 In light of this substantial new material, this court declines to adopt the findings
2 and recommendations and refers the case back to the Magistrate Judge for consideration of the
3 impact of this new material on the findings and recommendations.

4 IT IS SO ORDERED.

5 DATED: April 1, 2011.

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7 _____
8 UNITED STATES DISTRICT JUDGE

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