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

JOHNNY CLIFFORD JACKSON,

Petitioner,

No. CIV S-10-0494 GEB EFB P

vs.

GARY SWARTHOUT,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding without counsel, 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.

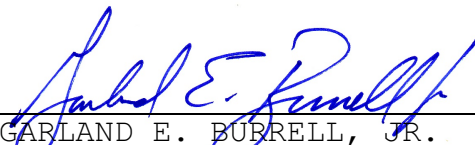
On August 31, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings 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 August 31, 2011, are adopted in full;  
2           2. Respondent's November 15, 2010 motion to dismiss is granted; and  
3           3. Petitioner is granted leave to file an amended petition within 30 days of this  
4 order including factual allegations showing: (1) that success on petitioner's claims could  
5 accelerate his release and (2) that petitioner remains subject to the discipline imposed on January  
6 29, 2008 or that collateral consequences flow from that discipline which prevent the case from  
7 being moot. Petitioner is admonished that failure to timely file an amended petition will result in  
8 a recommendation by the assigned magistrate judge that this action be dismissed.

9 Dated: September 26, 2011

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GARLAND E. BURRELL, JR.  
United States District Judge