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

FERNANDO VALENZUELA,

Petitioner,

No.2:10-cv-0973-JFM (HC)

vs.

PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. That petition was dismissed with leave to amend. Petitioner, however, did not file an amended petition. Therefore, the undersigned recommended dismissal without prejudice. Petitioner has since filed an objection.

Good cause appearing therefore, IT IS HEREBY ORDERED that:

1. The findings and recommendations are vacated;
2. Petitioner shall file an amended petition within thirty days from the date of this

order. Any amended petition must be filed on the form employed by this court, must name the proper respondent, and must state all claims and prayers for relief on the form. It must bear the case number assigned to this action and must bear the title “Amended Petition”; and

1 3 The Clerk of the Court is directed to send petitioner the form for habeas corpus
2 application.

3 DATED: January 13, 2011.

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5 
6 UNITED STATES MAGISTRATE JUDGE

7 /014:vale0973.122(2)
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