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

JAMES P. CROSS,

Petitioner,

No. CIV S-11-1665 JAM CKD

vs.

UNKNOWN,

Respondent.

ORDER

_____/

On August 9, 2011, the undersigned recommended that this action be dismissed for failure to timely file a petition. It has since come to the court's attention that, on July 8, 2011, petitioner filed a petition that initiated a duplicative action, CIV S-11-1801 CKD P. On November 9, 2011, that action was closed and the petition was re-filed in this action pursuant to court order. (Dkt. No. 9.)

Accordingly, the August 9, 2011 recommendation that this action be dismissed (Dkt. No. 7) is hereby VACATED. This case will proceed on the petition filed July 8, 2011.

Dated: November 16, 2011



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE