1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ROSS H. DE SPENZA, No. 2:14-cv-1212 KJM KJN P 12 Petitioner. 13 v. **ORDER** 14 DISTRICT ATTORNEY, LOS ANGELES COUNTY STATE OF CALIFORNIA, 15 Respondents. 16 17 Petitioner, a state prisoner proceeding without counsel, and in forma pauperis, filed a motion styled, Motion for Order for Statute Enforcement." (ECF No. 1.) The matter was referred 18 19 to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On June 9, 2014, the undersigned filed findings and recommendations herein which were 21 served on petitioner and which contained notice to petitioner that any objections to the findings 22 and recommendations were to be filed within fourteen days. Subsequently, petitioner consented 23 to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c). On June 23, 2014, 24 petitioner filed a second consent to proceed before the undersigned for all purposes. On July 11, 2014, the undersigned denied petitioner's motion for the reasons stated in the 25 26 findings and recommendations, and judgment was entered. However, during the processing of 27 this order, petitioner filed objections to the findings and recommendations. Therefore, the order

is vacated so that the undersigned can review petitioner's objections.

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In light of petitioner's consent, the June 9, 2014 findings and recommendations and order directing the Clerk of the Court to assign a district judge are vacated, and the Clerk of the Court is directed to remove the assignment of this case to the district court. In addition, petitioner was recently transferred to San Quentin; thus, the Clerk is directed to change petitioner's address as set forth in his June 23, 2014 filing. (ECF No. 6 at 1.)

Accordingly, IT IS HEREBY ORDERED that:

- 1. The July 11, 2014 order and judgment (ECF Nos. 9, 10) are vacated;
- 2. The June 9, 2014 findings and recommendations and order directing the Clerk of the Court to assign a district judge (ECF No. 4) are vacated; and
- 3. The Clerk of the Court is directed to re-open this action, remove the assignment of the district judge to this case, and change petitioner's address as set forth in his June 23, 2014 filing. (ECF No. 6 at 1.)

Dated: July 18, 2014

KENDALL J. NEWMAN

UNITED STATES MAGISTRATE JUDGE

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