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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCUS SCOTT,  
  
  Petitioner,  
  
  v.  
  
JEFF MACOMBER,  
  
  Respondent.

No. 2:15-cv-1292 KJM AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 28, 2017, the magistrate judge filed findings and recommendations, 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. Petitioner has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. The findings and recommendations contain two citations to *Boyd v. Newland*, 393 F.3d 1008, 1013 (9th Cir. 2004). See ECF No. 23 at 20:23-26 and 21:9-10. The opinion in *Boyd* was amended on denial of petitions for rehearing and rehearing en banc, see *Boyd v. Newland*, 455 F.3d 897 (9th Cir. 2006), and the latter opinion was

1 amended and superseded by *Boyd v. Newland*, 467 F.3d 1139 (9th Cir. 2006). Good cause  
2 appearing, this matter is referred back to the assigned magistrate judge for consideration of what  
3 effect, if any, the subsequent history of *Boyd* has on the pending findings and recommendations.

4 In accordance with the above, IT IS HEREBY ORDERED that this matter is referred back  
5 to the assigned magistrate judge for further proceedings consistent with this order.

6 DATED: April 19, 2018.

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UNITED STATES DISTRICT JUDGE