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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERROL CASBORN,  
  
                                  Petitioner,  
  
          v.  
  
R.L. GOWER,  
  
                                  Respondent.

No. 2:16-cv-1506 JAM CKD P

ORDER

By findings and recommendations filed May 26, 2017, the undersigned recommended granting respondent’s motion to dismiss and dismissing the petition with prejudice. (ECF No. 30.) The parties were given twenty-one days to file objections to the findings and recommendations and petitioner was advised that if he filed objections, he should also address whether a certificate of appealability should issue. (Id. at 8-9.) The period for filing objections has passed and neither party has filed any objections. However, petitioner recently notified the court that his copy of the findings and recommendations was lost during a raid and he requests that he be sent another copy. (ECF No. 31.) The court will grant the request to provide another copy of the findings and recommendations and will also construe the request as a request for additional time to file objections. Although the request was filed outside the objections period, petitioner missed the deadline by only a few days and in light of his claim that he lost his paperwork during a raid, the court finds the untimeliness should be excused.

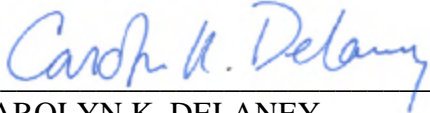
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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's request for a copy of the findings and recommendations (ECF No. 31) is granted and the Clerk of the Court is directed to provide petitioner with a copy of the May 26, 2017 findings and recommendations (ECF No. 30).

2. Petitioner shall have twenty-one days from service of this order to file objections to the findings and recommendations and address whether a certificate of appealability should issue.

Dated: July 6, 2017

  
\_\_\_\_\_  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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