UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Francois P. Givens, Petitioner, v. Robert Neuschmid, Respondent.	No. 2:17-cv-00328-KJM-CKD ORDER

The undersigned previously held that petitioner's claims were not subject to statutory tolling and referred the matter to the assigned magistrate judge to determine whether any claims related back to the original petition. *See generally* Order (Nov. 3, 2020), ECF No. 43. The magistrate judge has recommended holding that petitioner's first eleven claims do not relate back and that his twelfth claim be summarily dismissed. *See* F&Rs, ECF No. 44. Petitioner objects to these findings and recommendations and argues in addition that his claims are subject to statutory and equitable tolling. *See* Objections, ECF No. 48. The court **construes these objections as a motion for reconsideration or other relief** from the court's order at ECF No. 43 on the grounds of statutory and equitable tolling.

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The court finds it would be unjust to resolve petitioner's motion without permitting respondent an opportunity to be heard in opposition. Respondent may file an opposition or statement of non-opposition **within thirty days of this order**, and petitioner may file an optional reply **within thirty days of receiving service of an opposition**.

IT IS SO ORDERED.

DATED: June 22, 2021.

CHIEF UNITED STATES DISTRICT JUDGE