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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY G. KIZZEE,
Petitioner,
v.
ANDRE MATEVOUSIAN,
Respondent.

No. 2:17-cv-1238 DB P

ORDER

Petitioner is a federal inmate proceeding pro se in this action pursuant to 28 U.S.C. § 2241. On October 10, 2017 the court entered findings and recommendations recommending this action be dismissed for failure to prosecute because petitioner failed to notify the court of his current address. (ECF No. 5.)


Petitioner filed objections to the court’s October 10, 2017 findings and recommendations (ECF No. 7) and notified the court his mail was returned because he inadvertently entered the wrong inmate register number on his petition (ECF No. 6). He argues this action should not be dismissed because he did receive the court’s order recommending dismissal until after he informed the court of his correct inmate register number.

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Accordingly, IT IS HEREBY ORDERED that that findings and recommendations of
October 10, 2017 (ECF No. 5) are VACATED.

Dated: February 15, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:12
DLB1/prisoner-habeas/Kizz1238.obj