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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KY NGO,

Petitioner,

v.

K. SEIBEL,

Respondent.

No. 2:17-cv-1815 MCE AC P

ORDER

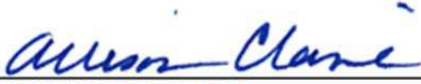
Petitioner, a state prisoner proceeding pro se and in forma pauperis, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 29, 2017, the undersigned filed findings and recommendations that recommended that the case be dismissed for failure to prosecute after petitioner failed to respond to the September 5, 2017 order to show cause. ECF No. 10. Petitioner has now filed a motion for an extension of his time to object to the findings and recommendations. ECF No. 11. In his motion, petitioner states that he submitted a response to the order to show cause, which he believed the court was in possession of, and requests an additional thirty days to re-write and submit the response in the form of objections. *Id.* Although the court has not received petitioner’s response to the order to show cause, the November 29, 2017 findings and recommendations will be withdrawn in light of petitioner’s representation that he did submit one. Petitioner will have thirty days to re-submit his response to the order to show cause.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motion for an extension of time to file objections (ECF No. 11) is denied as moot.
2. The November 29, 2017 findings and recommendations (ECF No. 10) are withdrawn.
3. Petitioner shall have thirty days from the service of this order to file a response to the September 5, 2017 order to show cause.

DATED: December 20, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE