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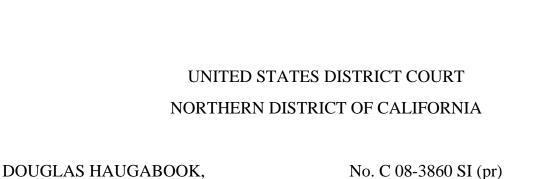
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9 Petitioner,

ORDER AMENDING ORDER

ROBERT A. HOREL, warden,
 Respondent.

v.

In the order filed on October 28, 2008, the last phrase of the first sentence on page 3 was
inadvertently omitted. The October 28, 2008 order is now amended to add to the end of the
sentence the phrase "respondent is of the opinion that such a motion to dismiss is unwarranted
in this case." As amended, the sentence now will read: "Accordingly, pursuant to Rule 4 of the
Rules Governing Habeas Corpus Cases Under Section 2254, respondent must either (1) move
to dismiss the petition on the ground that it is untimely, or (2) inform the court that respondent
is of the opinion that such a motion to dismiss is unwarranted in this case."

IT IS SO ORDERED.

<sup>22</sup> DATED: November 17, 2008

United States District Judge