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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT THELANDER,
Petitioner,
v.
ANTHONY KANE, Warden,
Respondent.

No. 05-04689 CW
ORDER VACATING
AUGUST 1, 2007
JUDGMENT AND
DISMISSING
PETITION AS MOOT

Petitioner Scott Thelander filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 alleging that his right to due process was violated when he was denied parole. On August 1, 2007, the Court entered judgment in favor of Petitioner. On August 14, 2007, Respondent filed a notice of appeal. On August 17, 2007, the Court granted Respondent's motion for stay of judgment pending resolution of his appeal. On January 13, 2011, the Ninth Circuit issued an order dismissing the appeal as moot for lack of a case or controversy because, during the pendency of the appeal, the California Board of Parole Hearings (Board) held another hearing and found Petitioner suitable for parole. On February 7, 2011, the Ninth Circuit entered its mandate.

Because Petitioner has been granted parole, his petition is

1 now moot. The August 1, 2007 judgment will be vacated and an
2 amended judgment will be entered dismissing the petition as moot.

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4 IT IS SO ORDERED.

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6 Dated: 2/10/2011

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CLAUDIA WILKEN
United States District Judge

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