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E-FILED - 2/12/09

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

KENNETH CARROLL FITZHUGH, JR.,)	No. C 07-1091 RMW (PR)
)	
Petitioner,)	JUDGMENT
)	
v.)	
)	
JOHN MARSHALL, Warden,)	
)	
Respondent.)	
_____)	

The court has granted respondent's motion to dismiss the petition as untimely. A judgment of dismissal is entered. The clerk shall close the file.

IT IS SO ORDERED.

Dated: 2/10/09

RONALD M. WHYTE
United States District Judge