

United States District Court
For the Northern District of California

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FILED

NOV 15 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

RICHARD L. BURNS, Petitioner, vs. GARY SWARTHOUT, Warden, Respondent.	}	No. C 11-06301 EJD (PR) ORDER GRANTING MOTION FOR RECONSIDERATION; VACATING JUDGMENT AND REOPENING CASE (Docket No. 13)
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Petitioner, a state prisoner, filed a pro se petition for a writ of habeas corpus. On June 25, 2012, the Court dismissed the instant action for failure to pay the filing fee. (See Docket No. 9.)

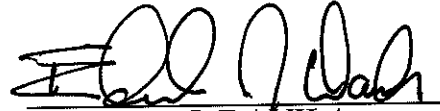
On August 21, 2012, the Court granted Petitioner an extension of time to file a motion for reconsideration and proof of payment. (Docket No. 12.) On September 5, 2012, Petitioner filed a motion for reconsideration but no proof of payment. (Docket No. 13.) Thereafter, the Court received the filing fee on September 13, 2012. (Docket No. 15.) Accordingly, Petitioner's motion for reconsideration, (Docket No. 13), is GRANTED. The Judgment entered on June 25, 2012, (Docket No. 10) is VACATED. The Court will conduct an initial review of the petition in a separate order.

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This order terminates Docket No. 13.

The Clerk shall reopen the file.

DATED: 11/14/12


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICHARD L. BURNS,
Petitioner,

Case Number CV 11-06301 EJD (PR)

v.

CERTIFICATE OF SERVICE

GARY SWARTHOUT, Warden,
Respondent.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/15/12, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) inter-office delivery receptacle located in the Clerk's office.

Richard L. Burns
AA-7046
Bldg. 1-244
California State Prison, Solano
P. O. Box 4000
Vacaville, CA 95696-4000

DATED: 11/15/12

Richard W. Wieking, Clerk
By: Elizabeth Garcia, Deputy Clerk

