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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY: *W* DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

STEVEN GILMORE,  
  
Petitioner,  
  
v.  
  
JEANNE WOODFORD, Acting  
Secretary of the California Department  
of Corrections and Rehabilitation,  
  
Respondent.

CASE NO. 05-CV-1863 W (WMc)

ORDER VACATING THE  
COURT'S SEPTEMBER 8, 2006  
ORDER ADOPTING THE  
REPORT; REOPENING THE  
CASE

Petitioner seeks 28 U.S. § 2254 habeas relief. On August 17, 2006 Magistrate Judge William McCurine, Jr. issued a Report and Recommendation ("Report") recommending that this Court deny the Petition. Objections to the Report were due no later than August 29, 2006. On September 8, 2006 the Court adopted the Report without review, noting that Petitioner had not filed objections or requested an extension of time in which to do so.

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2010137

1 On September 12, 2006 the Court received Petitioner's request for an extension  
2 of time to file objections via a discrepancy order. Petitioner's request is dated August  
3 29, 2006.<sup>1</sup> On September 13, 2006 the Court accepted Petitioner's extension request  
4 for filing.

5 Having reviewed Petitioner's request, the Court finds an extension is warranted.  
6 Petitioner's request is **GRANTED**. (Doc. No. 18.) Petitioner shall file his objections  
7 to the Report by no later than October 13, 2006. Respondent may file his reply, if any,  
8 by no later than October 27, 2006. The Court's September 8, 2006 order adopting the  
9 Report and denying the Petition is **HEREBY VACATED**. The clerk of the court shall  
10 re-open the district court case file.

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12 **IT IS SO ORDERED.**

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14 **DATE: September 13, 2006**

  
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15 **HON. THOMAS J. WHELAN**  
16 United States District Court  
17 Southern District of California

18 **CC: ALL PARTIES**  
19 **HONORABLE WILLIAM MCCURINE, JR., UNITED STATES MAGISTRATE JUDGE**  
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28 <sup>1</sup>The request is actually dated "9/29/06." The Court assumes this is a mistake on  
Petitioner's part and that he intended to write 8/29/06 since the Court received his request  
long before September 29, 2006.