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CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JERRY VALDIVIA, ALFRED YANCY,  
and HOSSIE WELCH, on their own  
behalf and on behalf of the class  
of all persons similarly situated,

Plaintiffs,

NO. CIV. S-94-671 LKK/GGH ✓

v.

ARNOLD SCHWARZENEGGER, Governor  
of the State of California, et al.,

Defendants.

\_\_\_\_\_  
JEFFREY MALONE,

Petitioner,

NO. CIV. S-04-1464 GEB/KJM P

v.

BOARD OF PRISON TERMS, et al.,

Respondent.

\_\_\_\_\_  
FRANCIS A. CULOTTA,

Petitioner,

NO. CIV. S-04-1913 DFL/DAD P

v.

CALIFORNIA BOARD OF PRISON  
TERMS, et al.,

\_\_\_\_\_  
Respondents.

1 JOHN HAMRE,

NO. CIV. S-04-2118 GEB/DAD P

2 Petitioner,

3 v.

4 WARDEN, CALIFORNIA STATE PRISON  
5 at SAN QUENTIN,

O R D E R

6 Respondent.

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7  
8 The court has reviewed the three petitions for writs of habeas  
9 corpus filed by petitioners in the above-captioned cases. All of  
10 the habeas petitions raise issues relating to revocation of  
11 petitioner's parole, the amount of time between revocation and a  
12 hearing before the Board of Prison Terms, and seek relief pursuant  
13 to a stipulated Remedial Plan entered into by the parties,  
14 including the State of California Board of Prison Terms in Valdivia  
15 v. Schwarzenegger, No. Civ. S-94-671 LKK/GGH. The court finds that  
16 the above three cases are related within the meaning of Local Rule  
17 83-123. Accordingly, the court will order the three petitions for  
18 habeas corpus reassigned to the undersigned.

19 Once reassigned, the court further finds the three habeas  
20 petitions are appropriate for consolidation with Valdivia under  
21 Fed. R. Civ. P. 42(a). The court will order the three habeas  
22 petitions consolidated with the Valdivia matter and forwarded to  
23 class plaintiffs' counsel.

24 Accordingly, the court hereby ORDERS that:

25 1. Cases Nos. Civ. S-04-1464, Civ. S-04-1913, and Civ. S-04-  
26 2118 are hereby found to be RELATED to Valdivia within the meaning

1 of Local Rule 83-123;

2 2. The Clerk is directed to REASSIGN the cases to the  
3 undersigned;

4 3. The court further finds the cases appropriate candidates  
5 and CONSOLIDATES them with Valdivia v. Schwarzenegger;

6 5. The Clerk is directed to copy the habeas petitions in the  
7 three cases references above and to FILE and place those petitions  
8 in the Valdivia case;

9 6. The Clerk is directed to administratively CLOSE cases nos.  
10 Civ. S-04-1464, Civ. S-04-1913, and Civ. S-04-2118;

11 7. The Clerk is further directed to SERVE a copy of the  
12 referenced habeas petitions on class counsel in Valdivia; and

13 8. The petitioner are hereby REFERRED to class counsel for  
14 appropriate motion to the court, relief under the Remedial Plan,  
15 if appropriate, or response to petitioners.

16 IT IS SO ORDERED.

17 DATED: November 8, 2004.

18   
19 LAWRENCE K. KARLTON  
20 SENIOR JUDGE  
21 UNITED STATES DISTRICT COURT  
22  
23  
24  
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26

United States District Court  
for the  
Eastern District of California  
November 9, 2004

\* \* CERTIFICATE OF SERVICE \* \*

2:94-cv-00671

Valdivias

v.

Schwarzenegger

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

That on November 9, 2004, 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, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

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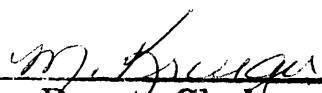
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by: Deputy Clerk