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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 ALONZO DEON JOHNSON,) No. Civ. S 03-2063 JAM JFM P
12)
Petitioner,) **ORDER**
13)
v.)
14)
CLAUDE E. FINN, Warden,)
15)
Respondent.)
16)

17 DARRYL THOMPSON,) No. Civ. S 04-2208 JAM JFM P
18)
Petitioner,) **ORDER**
19)
v.)
20)
TOM L. CAREY, Warden,)
21)
Respondent.)
22)

23 **O R D E R**

24 Pursuant to the decision of the Ninth Circuit Court of Appeals,
25 *Johnson v. Finn*, 665 F.3d 1063 (2011), petitioners' application, and
26 good cause appearing therefor, the Court:

27 (1) **VACATES** the orders denying the petitions for writ of habeas
28

1 corpus filed March 23, 2009, and the judgments entered the same day;*

2 (2) **ADOPTS** in full the magistrate judge's findings and
3 recommendations filed August 19, 2009;

4 (3) **GRANTS** the petitions for a writ of habeas corpus based on
5 petitioners' claims under *Batson v. Kentucky*, 476 U.S. 79 (1986), with
6 respect to prospective juror W.J.; and,

7 (4) **DIRECTS** the State to vacate petitioners' convictions and
8 respondents to release petitioners from custody unless proceedings in
9 the state court leading to retrial are commenced within sixty days
10 from the date of this order.

11 DATED: September 5, 2012

12 /s/ John A. Mendez
13 Honorable JOHN A. MENDEZ
14 United States District Court Judge

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* The Court also **VACATES** the previous orders -- CR #80 in *Johnson v. Finn* and CR #63 in *Thomas v. Carey* -- that were entered in error.