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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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| DOUGLAS RAY STANKEWITZ, |) | Case No. 1:91-cv-616-AWI |
| Petitioner, |) | <u>DEATH PENALTY CASE</u> |
| vs. |) | |
| ROBERT WONG, Acting Warden of San Quentin State Prison, |) | Order Granting Respondent's Request for Stay of Judgment Pending Resolution of Motion for Reconsideration |
| Respondent. |) | |

This matter is before the Court pursuant to a Motion, filed by Respondent Robert Wong ("the Warden"), seeking reconsideration under the Federal Rules of Civil Procedure 59 and 60, of the September 22, 2009 Memorandum and Order Granting Petition for Writ of Habeas Corpus, and seeking a corresponding stay of the judgment pending resolution of the motion for reconsideration. The Warden asserts that under Rule 62(b) of the Federal Rules of Civil Procedure, the Court may stay execution of a judgment. The Warden contends a stay will allow for the orderly consideration of the motion for reconsideration and states that counsel for Petitioner Douglas Ray Stankewitz ("Stankewitz") does not oppose the stay. A hearing on the reconsideration motion is set for December 14, 2009. Stankewitz's opposition to the motion for reconsideration is due on or before November 30, and the Warden's reply is due by December 7, 2009.

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The Warden's request for a stay of judgment pending resolution of the motion for reconsideration is GRANTED.

IT IS SO ORDERED.

Dated: October 15, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE