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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

HOLLISTER GEORGE,	)	1:08-CV-132 AWI MJS (HC)
	)	
Petitioner,	)	
	)	ORDER ON PETITIONER’S REQUEST FOR
v.	)	CONTINUANCE AND ORDER VACATING
	)	THE DECEMBER 9, 2010 HEARING DATE
	)	
W.J. SULLIVAN,	)	
	)	
Respondent.	)	

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Currently set for hearing and decision on December 6, 2010, is Respondent’s Motion for Stay. The Court has previously denied a stay in this case, a decision which the Ninth Circuit affirmed. See Court’s Docket Doc. Nos. 29, 33. Respondent’s pending motion is based on the intervening Ninth Circuit authority of *Haggard v. Curry*, — F.3d — , 2010 U.S. App. LEXIS 21017 (9th Cir. October 12, 2010), which indicated that the remedy for a petitioner who has been denied a parole date by the Board of Parole Hearings is a new hearing/parole suitability decision.

On November 29, 2010, Petitioner requested that the Court move the hearing to January 24, 2011. Petitioner’s request is timely. See Local Rule 230(f). Petitioner indicated that the additional time is needed due to the holidays, counsel’s schedule, and his need to obtain declarations from individuals who are involved in supervising his release. See Court’s Docket Doc. No. 61.

Respondent opposes the motion and primarily argues that the declarations have little to no relevance for determining whether to grant or deny the stay request. See id. at Doc. No. 62. Respondent also emphasizes *Haggard* and that the motion is time sensitive because of Petitioner’s status as a convicted murderer and the need to appeal a possible denial of the stay motion by this

1 Court. See id.

2 After considering the request and opposition of the parties, the Court will move the hearing  
3 on this matter. As the briefing now stands, there is no opposition. Petitioner's request for a  
4 continuance is timely, and the nature of the pending motion is such that the Court prefers to issue its  
5 ruling after receiving full briefing. However, the Court agrees with Respondent that a seven week  
6 continuance is excessive and not warranted. Respondent's motion has been pending since October  
7 29, 2010.

8  
9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Petitioner's request for continuance of the December 6, 2010, hearing date is GRANTED;
- 11 2. The December 6, 2010, hearing on Respondent's motion for a stay is VACATED;
- 12 3. Hearing on Respondent's motion for a stay is RESET to December 20, 2010, at 1:30 p.m.;
- 13 4. Petitioner shall file either an opposition or notice of non-opposition on or by December 8,  
14 2010; and
- 15 5. Respondent shall file a reply on or by 4:00 p.m. on December 14, 2010.

16  
17 IT IS SO ORDERED.

18 Dated: November 30, 2010

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20 CHIEF UNITED STATES DISTRICT JUDGE