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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

STEVIN N. FAITH,	)	1:08-cv-01423 AWI WMW (HC)
	)	
Petitioner,	)	
	)	ORDER GRANTING PETITIONER'S
v.	)	MOTION TO STAY
	)	
KEN CLARK , Warden	)	[Doc. #18]
	)	
Respondent.	)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 2, 2009, Petitioner filed a motion to stay the instant case to await the United States Court of Appeals for the Ninth Circuit's decision in *Hayward v. Marshall*, 512 F.3d 536, *reh'g en banc granted*, 527 F.3d 797 (9th Cir. 2008), Case No. 06-55392. Respondent did not file any objections. These proceedings are hereby stayed pending a decision by the Ninth Circuit in *Hayward v. Marshall*. Petitioner will have 30 days from the issuance of that decision to file a traverse.

IT IS SO ORDERED.

**Dated: February 10, 2009**

**/s/ William M. Wunderlich**  
**UNITED STATES MAGISTRATE JUDGE**