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

10
 11 NOEL VALDIVIA, SR.,

12 Petitioner,

13 v.

14 JILL BROWN, Warden, et al.,

15 Respondents.
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No. CIV. S-05-0416 FCD DAD

**STIPULATION AND ORDER DIRECTING
 FEDERAL PRETRIAL SERVICES TO
 PROVIDE PROGRESS SUMMARY**

Judge: Frank C. Damrell, Jr.
 [Chambers]

17 Whereas on June 25, 2010, this Court granted Petitioner's request to be released from
 18 Respondents' prison custody pending appeal, Docket entry no. 73;

19 Whereas on July 1, 2010, this Court granted the parties stipulated agreement that
 20 Petitioner be supervised by the United States Pretrial Services Office of the Eastern District of
 21 California, Docket entry no. 75;

22 Whereas Petitioner has been released from prison since July 8, 2010, Docket entry
 23 no. 77, and been supervised by the Pretrial Services Office and its officer Darryl Walker since
 24 then;

25 Whereas the California Board of Parole Hearings has determined that it will conduct
 26 a not-in-custody parole consideration hearing on August 19, 2011, for Petitioner for the purpose
 27 of determining Petitioner's current suitability for parole, particularly in light of his performance
 28 while released from prison pending Respondents' appeal; and

1 Whereas before this parole consideration hearing both Petitioner and the California
2 Board of Parole Hearings will benefit by having a written progress report from the Pretrial
3 Services Office and its officer, Darryl Walker, that summarizes Petitioner’s performance and
4 history while on supervision; and

5 Whereas the state parole statutes and regulations base the parole decision in part on
6 documents in the prisoner’s department central file and grant prisoner’s the right to review such
7 documents at least 10 days before the week of the parole hearing. Cal. Penal Code § 3041; Tit.
8 15 Cal. Code Reg. § 2247;

9 It is hereby stipulated between the Petitioner NOEL VALDIVIA, SR., and his
10 attorney, the Office of the Federal Defender and its attorney, ANN C. M°CLINTOCK, Assistant
11 Federal Defender, and Respondents and their attorney Supervising Deputy Attorney General
12 JENNIFER A. NEILL, as follows:

13 1. the parties shall notice Pretrial Services and its officer, Darryl Walker, of the date,
14 time, and, if then known, the location of the not-in-custody parole consideration hearing for
15 Petitioner within 5 days of learning it is scheduled by the Board; and

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