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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14 CHARLES H. CARR, JR.,)	No. 2:05-cv-01870-MCE-JFM
)	
15 Petitioner,)	
)	STIPULATION AND ORDER STAYING CASE
16 v.)	UNTIL OCTOBER 21, 2011
)	
17 JEANNE WOODFORD, et al.,)	
)	
18 Respondent.)	
)	Judge: Hon. John F. Moulds
19 _____)	

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 21 Petitioner, CHARLES H. CARR, JR., by and through counsel, Assistant Federal Defender Carolyn
 22 M. Wiggin, and Respondent, Warden MATTHEW CATE, by and through counsel, Deputy Attorney
 23 General Pamela B. Hooley, hereby stipulate to and jointly request a stay of the proceedings in this matter
 24 until October 21, 2011.

25 This request is made because Mr. Carr is currently on parole pursuant to this Court's order in
 26 related case nos. 2:04-cv-00584-MCE-JFM, 2:05-cv-01870-MCE-JFM, and 2:05-cv-01871-MCE-JFM.
 27 On June 28, 2011, the Ninth Circuit reversed the judgments in those three cases and remanded the cases to

1 this Court for further proceedings. *See Carr v. Sisto*, No. 09-15615, *Carr v. Woodford*, No. 09-15616,
2 and *Carr v. Horel*, No. No. 09-15617. Rather than immediately seek Mr. Carr's return to state prison, the
3 California Board of Parole Hearings ("BPH") has agreed to give Mr. Carr a "Not in Custody," or "NIC"
4 hearing on September 21, 2011. At that hearing BPH officials will decide whether or not they are willing
5 to allow Mr. Carr to remain on parole for the remainder of his parole term. If the BPH decides that Mr.
6 Carr can remain on parole for the remainder of his parole term, after which he will be discharged from
7 parole if he successfully serves his parole term, then this case and the related district court cases will
8 become moot.

9 In order to conserve judicial resources, the parties ask that the Court stay this case until the parties
10 know the outcome of the September 21, 2011 hearing. The parties ask that this case be stayed until
11 October 21, 2011, on which date the parties will file status reports regarding the outcome of the September
12 21, 2011, hearing, and the need, if any, for any further pleadings or briefs.

13
14 Respectfully submitted,

15 DANIEL BRODERICK
16 Federal Defender

17 Dated: July 22, 2011

18 /s/ Carolyn M. Wiggin
19 CAROLYN M. WIGGIN
20 Assistant Federal Defender

21 Attorneys for Petitioner
22 CHARLES H. CARR

23 KAMALA D. HARRIS
24 Attorney General of the State of California

25 Dated: July 22, 2011

26 /s/ Pamela B. Hooley
27 PAMELA B. HOOLEY
28 Deputy Attorney General

Attorneys for Respondents

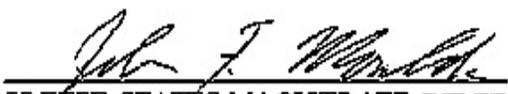
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ORDER

Pursuant to the parties' stipulation, and good cause appearing therefor, it is hereby ORDERED that this matter is stayed until October 21, 2011. On October 21, 2011, the parties shall file status reports regarding the outcome of the September 21, 2011, hearing, and the need, if any, for any further pleadings or briefs.

IT IS SO ORDERED.

Dated: July 28, 2011.


UNITED STATES MAGISTRATE JUDGE

carr1870.sty