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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. HELLER,

Petitioner,

NO. CIV. S-05-2518 LKK EFB P

v.

K. POWERS-MENDOZA,

Respondent.

O R D E R

_____/

On November 22, 2010 this court issued an order granting petitioner's habeas petition. The petition challenged the Governor's 2005 reversal of a Parole Board decision finding him suitable for parole. The magistrate judge found that the reversal was not based on "some evidence" of current dangerous, and this court adopted that finding. The court set aside the Governor's decision to reverse the Parole Board's suitability determination, and reinstated the Board's finding that the petitioner was suitable for parole. ECF No. 46. Respondent has filed an application to stay the matter pending resolution of respondent's appeal in the Ninth Circuit. ECF No 48.

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1 Accordingly, the court ORDERS the petitioner to file an
2 opposition or statement of non-opposition within fourteen (14) days
3 of the issuance of this order. Respondent MAY file a reply within
4 seven (7) days of the filing of petitioner's opposition or
5 statement of non-opposition. The court will determine whether a
6 hearing is necessary in this matter after briefing is complete.

7 IT IS SO ORDERED.

8 DATED: December 8, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT