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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

FRANK KENNETH BENSON,)	Case No. 2:06-CV-01584-MMS (HC)
)	
Petitioner,)	ORDER
v.)	
)	
MATT KRAMMER, Warden, et al.,)	
)	
Respondents.)	
_____)	

On March 6, 2009, this court ordered the parties to show cause why this action should not be administratively stayed pending the Ninth Circuit’s en banc decision in Hayward v. Marshall, 512 F.3d 536 (9th Cir. 2008), reh’g en banc granted, 527 F.3d 797 (9th Cir. 2008).

No party has filed a statement of opposition. Accordingly, this action is stayed pending final disposition of Hayward v. Marshall.

DATED: April 7, 2009

/s/ Mary M. Schroeder

 MARY M. SCHROEDER,
 United States Circuit Judge
 Sitting by designation