

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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 April 7, 2009, this case was stayed pending the outcome of the en banc decision in *Hayward v. Marshall*. The Ninth Circuit has issued its opinion in this case. *See Hayward v. Marshall*, – F.3d –, 2010 WL 1664977, (9th Cir. 2010) (en banc). The parties are directed to file simultaneous memoranda within thirty (30) days of this order on the applicability of *Hayward* to the pending petition. Briefs shall not exceed 2,000 words.

DATED: June 1, 2010

/s/ Mary M. Schroeder
 MARY M. SCHROEDER,
 United States Circuit Judge
 Sitting by designation