UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

THEODORE JOHNSON,	)	
	)	
Petitioner,	)	Case No. 2:06-CV-2240-AWT
	)	
v.	)	**STAY ORDER**
	)	
D.K. SISTO,	)	
	)	
Respondent.	)	
_____	)	

Further proceedings in this action are stayed pending issuance of the mandate in Hayward v. Marshall, No. 06-55392, 512 F.3d 536 (9th Cir.) (panel opinion), reh'g en banc granted, 527 F.3d 797 (9th Cir. 2008).

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Each party may file a memorandum setting forth the effect, if any, of Hayward on this case within 30 days of the date the en banc opinion is filed.

Dated: February 9, 2009

/s/ A. Wallace Tashima
A. WALLACE TASHIMA
United States Circuit Judge
Sitting by Designation