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8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11	MICHAEL J. BRODHEIM,	)	No. Civ. S 06-2326 LKK GGH
12	Petitioner,	)	
13	v.	)	<b>STIPULATED REQUEST TO STAY</b>
14	KATHLEEN DICKINSON, <i>et al.</i> ,	)	<b>PROCEEDINGS; ORDER</b>
15	Respondents.	)	Judge: Honorable Gregory G.
16		)	Hollows

17 COME NOW Petitioner, MICHAEL J. BRODHEIM, by and through his  
 18 counsel, Assistant Federal Defender David M. Porter, and Respondents,  
 19 KATHLEEN DICKINSON, *et al.*, by and through their counsel, Deputy  
 20 Attorney General Pamela B. Hooley, to request that the Court enter the  
 21 order lodged herewith staying the action and holding the proceedings in  
 22 abeyance for the reasons set forth below.

23 On January 11, 2012, the Board of Parole Hearings granted Mr.  
 24 Brodheim parole. That decision will not become final as to the Board  
 25 for 120 days. Cal. Penal Code § 3041, subd. (b). The Governor then  
 26 has 30 days in which to affirm, modify, or reverse the decision. Cal.  
 27 Const., art. V, § 8, subd. (b). Accordingly, in an effort to promote  
 28 judicial economy, the parties respectfully request that the Court issue

1 the order lodged herewith staying these proceedings pending the  
2 finality of the Board's grant of parole.

3 Dated: January 27, 2012

4 Respectfully submitted,

5 KAMALA D. HARRIS  
6 Attorney General

DANIEL J. BRODERICK  
Federal Defender

7  
8 /s/ Pamela B. Hooley  
9 PAMELA B. HOOLEY  
10 Deputy Attorney General  
11 Attorney for Respondents  
12 KATHLEEN DICKENSON, *et al.*

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender  
Attorney for Petitioner  
MICHAEL J. BRODHEIM

13 **ORDER**

14 Pursuant to the stipulated request of the parties, and good cause  
15 appearing therefor, IT IS ORDERED that all present motions, including  
16 the set April 5, 2012 motion, and scheduling dates are vacated pending  
17 the finality of the Board of Parole Hearings January 11, 2012 decision  
18 granting parole to petitioner Michael Brodheim.<sup>1</sup> On or before June 15,  
19 2012, the parties shall file a joint status report.

20 DATED: January 31, 2012

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE

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22 brod2326.stp  
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28 <sup>1</sup>Technically, the undersigned, as a magistrate judge, is without  
authority to stay an action. However, nothing prevents a magistrate  
judge from vacating motions and other dates, and simply asking for a  
status report as indicated by the parties.