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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES ROCKERS,)	
)	NO. CV-06-2330 RHW JPH
)	
Petitioner,)	
)	ORDER TO SHOW CAUSE RE:
v.)	TEMPORARY STAY OF
)	PROCEEDINGS
)	
THERESA A. SCHWARTZ,)	
)	
)	
Respondent.)	

Petitioner's habeas petition appears to raise issues which will be decided by the Ninth Circuit in *Hayward v. Marshall*, 512 F. 3d 536, *rehrg en banc granted*, 527 F.3d 797 (9th Cir. 2008), Case No. 06-55392.

According, the parties are directed to show cause, if any, why this matter should not be stayed pending the issuance of the mandate by the United States Court of Appeals for the Ninth Circuit in *Hayward*.

IT IS ORDERED that the parties are directed to show cause **on or before February 20, 2009**, why a temporary stay should not issue in this matter.

DATED this 30th day January, 2009.

s/ James P. Hutton
JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE