(HC) Rockers	
--------------	--

1

2

3

4

5

6

7

8

9

10

11

12

13

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JAMES ROCKERS,

Petitioner,

THERESA A SCHWARTZ, Respondent.

v.

NO. CV-06-2330-RHW-JPH

ORDER ADOPTING REPORT AND RECOMMENDATION TO STAY PROCEEDINGS

On February 23, 2009, Magistrate Judge Hutton entered a Report and 14 Recommendation, recommending that Petitioner's Petition Under 28 U.S.C. § 15 2254 For Writ of Habeas Corpus by a Person in State Custody (Ct. Rec. 1) be 16 stayed (Ct. Rec. 33). Neither party objects to the proposed stay. 17 Having reviewed the Report and Recommendation and the files and records 18 herein, the Court adopts the Magistrate Judge's Report and Recommendation in its 19 entirety. 20Accordingly, IT IS HEREBY ORDERED: 21 The Report and Recommendation to Order Stay of Proceedings (Ct. 1. 22 Rec. 33) is **ADOPTED**, in its entirety. 23 2. Petitioner's Petitioner under 28 U.S.C. § 2254 For Writ of Habeas 24

25 Corpus by a Person in State Custody (Ct. Rec. 1) is **STAYED**.

3. The parties are directed to file a status certification within 30 days from
the date of the final disposition of the en banc rehearing granted in *Hayward v*. *Marshall*, 527 F.3d 979 (9th Cir. 2008).

ORDER ADOPTING REPORT AND RECOMMENDATION TO STAY PROCEEDINGS ~ 1

1	IT IS SO ORDERED. The District Court Executive is directed to enter this
2	Order and forward copies to counsel.
2	DATED this 9 th day of April, 2009.
4	S/ Robert H. Whaley
5	
6	ROBERT H. WHALEY United States District Judge
7	
8	
9	
10	Q:\CAED cases\Rockers\adoptrr2.wpd
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23 24	
24 25	
23 26	
20 27	
27	
	ORDER ADOPTING REPORT AND RECOMMENDATION TO STAY PROCEEDINGS ~ 2