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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES ROCKERS,
Petitioner,
v.
THERESA A SCHWARTZ,
Respondent.

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 Recommendation, recommending that Petitioner’s Petition Under 28 U.S.C. § 2254 For Writ of Habeas Corpus by a Person in State Custody (Ct. Rec. 1) be stayed (Ct. Rec. 33). Neither party objects to the proposed stay.

Having reviewed the Report and Recommendation and the files and records herein, the Court adopts the Magistrate Judge’s Report and Recommendation in its entirety.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation to Order Stay of Proceedings (Ct. Rec. 33) is **ADOPTED**, in its entirety.

2. Petitioner’s Petitioner under 28 U.S.C. § 2254 For Writ of Habeas 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**

