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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA

8 MARSHALL LEE FIELD,

9 Petitioner,

10 v.

11 D.K. SISTO, Warden,

12 Respondent.
13

NO. CV-06-2562-RHW-JPH

**ORDER ADOPTING REPORT
AND RECOMMENDATION TO
STAY PROCEEDINGS**

14 On March 4, 2009, Magistrate Judge Hutton entered a Report and
15 Recommendation, recommending that Petitioner's Petition Under 28 U.S.C. §
16 2254 For Writ of Habeas Corpus by a Person in State Custody (Ct. Rec. 1) be
17 stayed (Ct. Rec. 13). Counsel for Respondent agrees that the Court should issue a
18 temporary stay (Ct. Rec. 12). Petitioner did not file a response. The time for
19 filing a response expired February 20, 2009.

20 No objections were filed to the Magistrate's recommendation that the above-
21 captioned case be stayed.

22 Having reviewed the Report and Recommendation and the files and records
23 herein, the Court adopts the Magistrate Judge's Report and Recommendation in its
24 entirety.

25 Accordingly, **IT IS HEREBY ORDERED:**

26 1. The Report and Recommendation to Order Stay of Proceedings (Ct.
27 Rec. 13) is **ADOPTED**, in its entirety.

28 2. Petitioner's Petition under 28 U.S.C. § 2254 For Writ of Habeas

**ORDER ADOPTING REPORT AND RECOMMENDATION TO STAY
PROCEEDINGS ~ 1**

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

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

5 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
6 Order and forward copies to counsel and Petitioner.

7 **DATED** this 20th day of April, 2009.

8 *S/ Robert H. Whaley*

9 ROBERT H. WHALEY
10 United States District Judge

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