

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHARLES H. BROOKS,	)	
	)	NO. CV-06-2614 RHW JPH
	)	
Petitioner,	)	
	)	ORDER DENYING MOTION FOR
v.	)	LEAVE TO FILE SUPPLEMENTAL
	)	BRIEFING AND GRANTING
	)	TEMPORARY STAY
D. K. SISTO, et. al,	)	<b>(Ct Rec. 16)</b>
	)	
	)	
Respondent.	)	

On December 30, 2008, petitioner filed a motion requesting leave to file supplemental briefing. (Ct. Rec. 16.) The court has considered the motion and cases cited. Respondent has not filed a response.

The court finds the petitioner has not established the need for supplemental briefing in order to determine the issues presented on habeas review, but a stay of proceedings is appropriate in the interests of judicial economy.

**IT IS ORDERED:**

1. The petitioner's motion for leave to file supplemental briefing is **denied (Ct Rec. 16)**.

2. Petitioner's request within the motion **(Ct. Rec. 16)** for a stay of proceedings pending the Ninth Circuit's en banc review in *Hayward v. Marshall*, 512 F. 3d 536 (2008), *rehearing ordered*, 527 F. 3d 797 (2008), is **granted** until further order of the court.

DATED this 22<sup>nd</sup> day of January, 2009.

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