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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROLANDO CASTILLO,
Petitioner,
v.
R.J. SUBIA, *et al.*,
Respondents.

NO. CV-06-2933-RHW-JPH

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

On March 5, 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. 15). Counsel for Respondent agrees that the Court should issue a temporary stay (Ct. Rec. 13). Petitioner objects to the proposed stay (Ct. Rec. 14).

Petitioner filed objections to the Magistrate Judge’s Report and Recommendations (Ct. Rec. 16).

Having reviewed the Report and Recommendation and the files and records herein and taking into account the interests of efficient and orderly judicial proceedings, 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. 15) is **ADOPTED**, in its entirety.
2. Petitioner’s Petitioner 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 Petitioner and counsel.

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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