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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

|                   |   |                         |
|-------------------|---|-------------------------|
| STEPHEN JACQUETT, | ) |                         |
|                   | ) | NO. CV-06-2938 RHW JPH  |
|                   | ) |                         |
| Petitioner,       | ) |                         |
|                   | ) | ORDER TO SHOW CAUSE RE: |
| v.                | ) | TEMPORARY STAY OF       |
|                   | ) | PROCEEDINGS             |
|                   | ) |                         |
| D. K. SISTO,      | ) |                         |
|                   | ) |                         |
|                   | ) |                         |
| Respondent.       | ) |                         |

Petitioner's habeas petition appears to raise issues which will be decided by the Ninth Circuit in *Hayward v. Marshall*, 512 F. 3d 536, *rehrg en banc granted*, 527 F.3d 797 (9<sup>th</sup> Cir. 2008), Case No. 06-55392.

According, the parties are directed to show cause, if any, why this matter should not be stayed pending the issuance of the mandate by the United States Court of Appeals for the Ninth Circuit in *Hayward*.

**IT IS ORDERED** that the parties are directed to show cause **on or before February 20, 2009**, why a temporary stay should not issue in this matter.

DATED this 30<sup>th</sup> day January, 2009.

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