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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEPHEN JACQUETT,
Petitioner,
v.
D. K. SISTO, *et al.*,
Respondents.

NO. CV-06-2938-RHW-JPH

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

On March 4, 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. 24).

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

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. 24) 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

ORDER ADOPTING REPORT AND RECOMMENDATION TO STAY PROCEEDINGS ~ 1

1 the date of the final disposition of the en banc rehearing granted in *Hayward v.*
2 *Marshall*, 527 F.3d 979 (9th Cir. 2008).

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

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

6 *S/ Robert H. Whaley*

7 **ROBERT H. WHALEY**
8 **United States District Judge**

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