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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DEPRIEST WILLIAMS,  
Petitioner,  
v.  
D.K. SISTO, Warden, *et al.*,  
Respondents.

NO. CV-07-0275-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. 12). Counsel for Respondent agrees that the Court should issue a temporary stay (Ct. Rec. 11). Petitioner filed a statement of non-opposition to the stay (Ct. Rec. 10).

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. 12) 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 (9<sup>th</sup> 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 20<sup>th</sup> day of April, 2009.

8 *S/ Robert H. Whaley*

9 **ROBERT H. WHALEY**  
10 **United States District Judge**

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