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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM BLAINE MAYFIELD,
Petitioner,
v.
TOM CAREY, Warden, *et al.*,
Respondents.

NO. CV-07-346-RHW

**ORDER GRANTING MOTION
TO STAY**

Before the Court is Respondents' Motion to Stay Order Granting Petition for Writ of Habeas Corpus (Ct. Rec. 19). The motion was heard without oral argument and on an expedited basis.

Respondent asks the Court to stay its October 6, 2010 Order as a result of its appeal of the Order, in part because Petitioner has waived the Court-ordered hearing. Respondent attached a letter from Petitioner's counsel in the matter currently before the California Court of Appeal. In the letter, Mr. Ramos indicates that he supports Petitioner's request to waive or postpone his hearing currently scheduled for November 3, 2010. Respondent also attached a form signed by Petitioner that indicates that Petitioner chose to waive the hearing. Based on these filings, the Court is inclined to grant the motion to stay, but because it is doing so on an expedited basis, it will order Petitioner to show cause why the stay should not be granted. If Petitioner does not respond, the stay will be imposed.

1 The Court heard this matter on an expedited basis because it appears that the
2 California Court of Appeals is considering the effects of this Court's Order in
3 determining whether the appeal before that court is moot.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. Respondent's Motion to Stay Order Granting Petition for Writ of
6 Habeas Corpus (Ct. Rec. 19) is **GRANTED** and the Writ is stayed pending a
7 response from the Petitioner as required in the following Paragraph.

8 2. Within ten (10) days from the date of this Order, Petitioner is ordered to
9 show cause why the stay should not be continued until a ruling from the California
10 Court of Appeals in the related case. If Petitioner does not file a timely response,
11 the Stay will be continued pending further order of the Court.

12 3. Within ten (10) days from a decision by the California Court of
13 Appeals, the parties are directed to provide a status report to the Court.

14 **IT IS SO ORDERED.** The District Court Executive is directed to enter
15 this Order, forward copies to counsel and petitioner.

16 **DATED** this 27th day of October, 2010.

17
18 *s/Robert H. Whaley*
19 ROBERT H. WHALEY
20 United States District Judge

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