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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICARDO HERNANDEZ,)	
)	
Petitioner,)	CASE NO. 2:07-cv-00839-RSL-JLW
)	
v.)	
)	
R.J. SUBIA, Warden,)	ORDER DEFERRING PREPARATION
)	OF REPORT AND RECOMMENDATION
Respondent.)	
_____)	

Governor Schwarzenegger reversed the Board of Parole Hearings' determination that petitioner be granted a parole release date. The Governor found that his release from prison would pose an unreasonable risk of danger to society. Petitioner claims that the Governor's decision denied him due process of law. Based upon the Court's review of the entire record, the Court will defer submission of a Report and Recommendation until the filing of the en banc decision in *Hayward v. Marshall*, 512 F.3d 536 (9th Cir. 2008), *reh'g en banc granted*, 527 F.3d 797 (9th Cir. 2008).

DATED this 30th day of October, 2009.



 JOHN L. WEINBERG
 United States Magistrate Judge