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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RON HICKS	)	Case No. 2:07-cv-00897-MSB
Petitioner,	)	<b>ORDER</b>
vs.	)	
M. SHEPARD, Warden at FSP,	)	
Respondent.	)	

The Court is in receipt of Petitioner Ron Hicks's fully-briefed Petition for Writ of Habeas Corpus. (Dkt. #s 1, 7, 11). The Court will await the decision of the *en banc* panel of the United States Court of Appeals for the Ninth Circuit in *Hayward v. Marshall*, No. 06-55392, before ruling on the Petition.

DATED this 15th day of September, 2009.

/s/ Marsha S. Berzon

MARSHA S. BERZON  
United States Circuit Judge  
Sitting by designation