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 5  
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7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10  
 11 RICHARD LONDON, ) Civ. S 07-1489 LKK CMK  
 )  
 12 ) Petitioner, ) **STIPULATION AND ORDER RE: NEW**  
 ) **SUITABILITY HEARING**  
 13 ) v. )  
 )  
 14 ) R.J. SUBIA, et al., ) Honorable LAWRENCE K. KARLTON  
 )  
 15 ) Respondents. )  
 16 )

17 Pursuant to Local Rule 143, Petitioner, RICHARD LONDON, by and  
 18 though his attorney, Assistant Federal Defender David M. Porter, and  
 19 Respondents, R.J. SUBIA, et al., by and through their attorney,  
 20 Supervising Deputy Attorney General Jennifer A. Neill, stipulate as  
 21 follows:

22 (1) Whereas this Court entered an order on November 1, 2010  
 23 granting the petition for writ of habeas corpus and directing the  
 24 Warden to release Mr. London within 45 days from service of the order  
 25 unless the Parole Board held a new parole suitability hearing in  
 26 accordance with due process and the findings of facts and conclusions  
 27 of law contained within the court's order and judgment thereon, which  
 28 was entered the same day;

1 (2) the Warden filed a notice of appeal and emergency motion to  
2 stay the order granting the petition, which motion was denied by the  
3 Ninth Circuit Court of Appeals on November 16, 2010;

4 (3) the California Board of Parole Hearings scheduled Mr.  
5 London's new suitability hearing for November 17, 2010;

6 (4) because Mr. London desires to have Mr. Porter represent him  
7 at the new suitability hearing, but the latter does not have sufficient  
8 time to prepare if the hearing is held on November 17, 2010, Mr. London  
9 requests that the new suitability hearing be rescheduled for the next  
10 available hearing calendar;

11 (5) accordingly, the parties agree and stipulate that pursuant to  
12 Rule 59(e), Federal Rules of Civil Procedure, the Court's November 1,  
13 2010 order and judgment entered thereon be modified to read: "Within  
14 ninety-five (95) days of service of this order, the Petitioner SHALL BE  
15 RELEASED if the Parole Board has not held a new parole suitability  
16 hearing in accordance with due process as elucidated in this order."

17 DATED: November 16, 2010

18 Respectfully submitted,

19 EDMUND G. BROWN, Jr.  
20 Attorney General

DANIEL J. BRODERICK  
Federal Defender

21 /s/ Jennifer A. Neill  
22 JENNIFER A. NEILL  
23 Supervising Deputy A.G.


/s/ David M. Porter  
24 DAVID M. PORTER  
25 Assistant Federal Defender

26 Attorney for Respondent  
27 R.J. SUBIA

28 Attorney for Petitioner  
RICHARD LONDON

**IT IS SO ORDERED.**

Dated: November 16, 2010

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT