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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10 **SACRAMENTO DIVISION**
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12 JOHNNIE RAY HAIRSTON,)
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Case No. 2:07-CV-01617-MMS
ORDER
v.
TOM CAREY, Warden,
Respondent.

17 On March 6, 2009, this court ordered the parties to show cause why this action should not
18 be administratively stayed pending the Ninth Circuit's en banc decision in Hayward v. Marshall,
19 512 F.3d 536 (9th Cir. 2008), reh'g en banc granted, 527 F.3d 797 (9th Cir. 2008).

20 No party has filed a statement of opposition. Accordingly, this action is stayed pending
21 final disposition of Hayward v. Marshall.

22 DATED: April 7, 2009

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25 /s/ Mary M. Schroeder
26 MARY M. SCHROEDER,
27 United States Circuit Judge
28 Sitting by designation