

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

JOSEPH CONTRERAS,

Petitioner,

v.

R.J. SUBIA,

Warden, Mule Creek State
Prison, Respondent.

No. 2:07–CV–01626–NRS

ORDER

Petitioner Contreras is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Contreras challenges the California Board of Parole Hearings's refusal to grant him parole. After Contreras filed his petition, the Ninth Circuit Court of Appeals granted rehearing en banc in *Hayward v. Marshall*, 512 F.3d 536 (9th Cir. 2008), *reh'g en banc granted*, 527 F.3d 797 (9th Cir. May 16, 2008), which may directly impact Contreras's petition.

Accordingly, IT IS HEREBY ORDERED that, within twenty days of the date of this order, the parties shall show cause why this action should not be administratively stayed pending the Ninth Circuit's resolution in *Hayward*.

DATED: **February 19, 2009**

A handwritten signature in black ink that reads "N. Randy Smith". The signature is written in a cursive style with a large, stylized initial "N".

Honorable N. Randy Smith
Ninth Circuit Court of Appeals Judge