

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

JAMES LUDLOW,

Petitioner,

v.

M.C. KRAMER,

Warden, Folsom State Prison,
Represa, California.

No. 2:07-CV-01857-NRS

ORDER

Petitioner Ludlow is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Ludlow challenges the California Board of Parole Hearings's (the "Board's") refusal to set a date for his release on parole due to Governor Arnold Schwarzenegger's 2006 reversal of the Board's grant of parole. After Ludlow 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 Ludlow'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, appearing to read "N. Randy Smith".

Honorable N. Randy Smith
Ninth Circuit Court of Appeals Judge