

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY SCOTT SARGENT,

Petitioner,

v.

I.D. CLAY,

Respondent.

2:07-CV-02001-NRS

ORDER

Petitioner Sargent is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Sargent challenges the decision by the California Board of Parole Hearings (BPH) finding him unsuitable for parole. After Sargent's 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. 2008), which may directly impact Sargent'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: **December 30, 2009**

A handwritten signature in black ink, appearing to read "N. Randy Smith". The signature is written in a cursive, flowing style with some ink bleed-through from the reverse side of the page.

Honorable N. Randy Smith
Ninth Circuit Court of Appeals Judge