

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

In re PATRICK EUGENE CONNALLY,) Case No. 2:07-CV-02134-MMS
Petitioner,) ORDER
v.)
D. K. SISTO,) Respondent.)

)

On April 7, 2009, this case was stayed pending the outcome of the en banc decision in *Hayward v. Marshall*. The Ninth Circuit has issued its opinion in this case. See *Hayward v. Marshall*, – F.3d –, 2010 WL 1664977, (9th Cir. 2010) (en banc). The parties are directed to file simultaneous memoranda within thirty (30) days of this order on the applicability of *Hayward* to the pending petition. Briefs shall not exceed 2,000 words.

DATED: June 1, 2010

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