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

10 CLIFFORD LEE BAIR,

11 Petitioner,

No. CIV S-08-1039 MCE GGH P

12 vs.

13 CLAUDE FINN, et al.,

14 Respondents.

ORDER

15 \_\_\_\_\_/  
16 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas  
17 corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the 2007 decision by the California  
18 Board of Parole Hearings (BPH) finding petitioner unsuitable for parole.

19 By Order filed on November 24, 2008, this court recommended that this action be  
20 administratively stayed pending the Ninth Circuit's decision in Hayward v. Marshall, 512 F.3d  
21 536 (9th Cir. 2008), *reh'g en banc granted*, \_\_\_ F.3d \_\_\_, No. 06-55392 (9th Cir. filed May 16,  
22 2008). On December 24, 2008, the district court adopted these findings and recommendations.

23 The Hayward en banc decision was recently filed on April 22, 2010. Hayward v.  
24 Marshall, No. 06-55392 (9<sup>th</sup> Cir. Apr. 22, 2010).

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Accordingly, IT IS HEREBY ORDERED that:

1. The stay is hereby lifted; and

2. The matter has been fully briefed and is hereby deemed submitted.

DATED: July 9, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

bair1039.lift