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

10 BYRON SUMMERVILLE,

11 Petitioner,

No. CIV S-08-2098 JAM GGH P

12 vs.

13 D.K. SISTO, 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 him unsuitable for parole. On May 16, 2008, the Ninth
19 Circuit granted rehearing en banc in Hayward v. Marshall, 512 F.3d 536 (9th Cir. 2008).

20 Accordingly, IT IS HEREBY ORDERED that within twenty days of the date of
21 this order, the parties shall show cause why this action should not be administratively stayed
22 pending the Ninth Circuit's decision in Hayward v. Marshall, 512 F.3d 536 (9th Cir. 2008), *reh'g*
23 *en banc granted*, ___ F.3d ___, No. 06-55392 (9th Cir. filed May 16, 2008).

24 DATED: January 12, 2009

/s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE