

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

BYRON SUMMERSVILLE,

Petitioner, No. CIV S-08-2098 JAM GGH F

VS.

D.K. SISTO, et al.,

Respondents. ORDER

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the 2007 decision by the California Board of Parole Hearings (BPH) finding him unsuitable for parole. On May 16, 2008, the Ninth Circuit granted rehearing en banc in *Hayward v. Marshall*, 512 F.3d 536 (9th Cir. 2008).

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 decision in Hayward v. Marshall, 512 F.3d 536 (9th Cir. 2008), *reh'g en banc granted*, F.3d , No. 06-55392 (9th Cir. filed May 16, 2008).

DATED: January 12, 2009

/s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE