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

KENNEDY EDWARDS,

Petitioner,

No. CIV S-08-2236 KJM P

vs.

D.K. SISTO, et al.,

Respondents.

ORDER

_____/

Petitioner is a state prison inmate proceeding pro se with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. He has paid the filing fee.

The instant petition challenges the April 12, 2007 denial of parole. However, on November 12, 2008, petitioner notified the court that a parole date was set following a hearing on November 6, 2008. He asks this current action “proceed regarding the parole issue and that its no need for your Court to pursuit the suitability of the Parole Board at this time. However, I am still challenging my Parole.” Docket No. 9.

On November 25, 2008, the court directed petitioner to show cause why the action should not be dismissed as moot. Petitioner filed his response on December 4, 2008, arguing that the panel’s determination is not yet final because it could be reversed by the full

1 Board or by the Governor. See Cal. Pen. Code §§ 3041(b) (panel decision becomes final 120
2 days after issuance unless the Board reviews it), 3041.2 (governor’s authority to review parole
3 decisions during the “30 days following the granting . . . of the parole. . .”). Accordingly,
4 because of the possibility that the grant of parole still may be rescinded, the court will stay the
5 case until April 6, 2009 and will require petitioner to file a status report thereafter.

6 IT IS THEREFORE ORDERED that:

- 7 1. This case is stayed until April 6, 2009; and
- 8 2. Petitioner is directed to file a status report on the outcome of any review of the
9 grant of parole by April 26, 2009.

10 DATED: January 16, 2009.

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12 _____
13 U.S. MAGISTRATE JUDGE

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