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

J.C. SMITH,

Petitioner,

No. 2:09-cv-0041 JFM (HC)

vs.

D.K. SISTO, et al.,

Respondents.

ORDER

_____/

This action is proceeding on petitioner’s January 6, 2009 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, in which petitioner contests the Board of Parole Hearings’ denial of parole on July 26, 2007. On March 2, 2010, petitioner filed a request for judicial notice and a request for an evidentiary hearing. Petitioner seeks to admit the decision of a parole board hearing held on October 1, 2009 in which parole was again denied. Petitioner, however, may not challenge this most recent denial of parole in the present petition without first showing that he has exhausted his state remedies. Additionally, petitioner fails to state the reason for which he is requesting an evidentiary hearing.

Accordingly, IT IS HEREBY ORDERED that petitioner’s March 2, 2010 request for judicial notice and evidentiary hearing is denied.

DATED: March 29, 2010.



UNITED STATES MAGISTRATE JUDGE