

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

MICHAEL E. SCHINKEL,

Petitioner,

No. CIV S-09-2247 FCD DAD P

vs.

BOARD OF PAROLE HEARINGS,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus, challenging the Board of Parole Hearings' 2007 decision to deny him parole.

On March 30, 2010, petitioner filed a motion, requesting a stay of these proceedings pending issuance of the mandate in Hayward v. Marshall, 512 F.3d 536 (9th Cir. 2008), reh'g en banc granted, 527 F.3d 797 (9th Cir. May 16, 2008). In the alternative, petitioner requests a thirty-day extension of time to file a traverse.

After a review of the record and the relevant case law, this court concludes that petitioner's motion for a stay of these proceedings should be denied. See Landis v. North American Co., 299 U.S. 248, 254 (1936) (a district court has broad discretion in deciding whether to stay proceedings in its own court). However, the court will grant petitioner a final thirty-day extension of time to file a traverse.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Petitioner's March 30, 2010 motion requesting a stay (Doc. No. 23) is denied;

3 2. Petitioner's March 30, 2010 motion for an extension of time (Doc. No. 23) is
4 granted; and

5 3. Within thirty days of the date of service of this order, petitioner shall file a
6 traverse. No further extensions of time will be granted for this purpose.

7 DATED: April 6, 2010.

8 
9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

10 DAD:9
11 schi2247.msty