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

ROBERT HAYDEN NESBITT, Jr.,

Petitioner,

No. CIV S-09-2821 GEB GGH P

vs.

FRANCISCO JACQUEZ, Warden,

Respondent.

ORDER

_____ /

On January 28, 2011, the undersigned denied petitioner’s motion for discovery, denied petitioner leave to amend his petition to add a claim of ineffective assistance of counsel and set the briefing schedule. On February 8, 2011, petitioner filed a request for reconsideration to the district judge of the two rulings and, on February 22, 2011, petitioner sought a stay of the briefing schedule pending a ruling on the reconsideration request. Petitioner’s counsel indicates that the request for a stay is unopposed by respondent’s counsel.

The court will construe the request for a stay as a request to vacate the briefing schedule pending the ruling on the motion for reconsideration.

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Accordingly, IT IS ORDERED that:

Petitioner's unopposed request for a stay, filed on February 22, 2011 (docket # 36), construed as a request to vacate the briefing schedule as set forth in the Order, filed on January 28, 2011 (docket # 34), is granted, pending a ruling on the reconsideration request

DATED: February 25, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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