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

ALBERT DUBOIS,

Petitioner,

No. 2:09-cv-3111 FCD KJN P

vs.

GARY SWARTHOUT, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding without counsel and in forma pauperis with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondents filed an answer on April 4, 2010. On April 12, 2010, petitioner filed a motion to stay this case pending decision in Hayward v. Marshall, 512 F.3d 536 (9th Cir. 2008). That decision has now been rendered. Hayward v. Marshall, 603 F.3d 546 (9th Cir. 2010). Accordingly, petitioner’s motion will be denied and petitioner will be directed to file a reply. In light of the decision in Hayward, respondents shall file a surreply. When briefing a response to this order, the parties shall address application of Hayward and any other pertinent legal authorities.


IT IS HEREBY ORDERED that:

- 1. Petitioner’s April 12, 2010 motion is denied. (Dkt. No. 14.)

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1 2. Petitioner's reply to the answer shall be filed and served within twenty-eight
2 days from the date of this order. Respondents shall file a surreply fourteen days thereafter.

3 DATED: July 9, 2010

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7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE

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