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

KHALIFAH E.D. SAIF’ULLAH,

Petitioner,

No. CIV S-09-3356 MCE DAD P

vs.

JOHN HAVILAND, Warden,

Respondent.

ORDER

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 15, 2010, petitioner filed a request that this court take judicial notice of the recent decision in Hayward v. Marshall, 603 F.3d 546 (9th Cir. 2010). The court is aware of decision in Hayward and will, of course, consider it in connection with the petition pending before the court. However, published decisions of the Ninth Circuit Court of Appeals, which are binding on this court, are not the appropriate subject of judicial notice. Accordingly, IT IS HEREBY ORDERED that petitioner’s June 15, 2010 request for judicial notice is denied as unnecessary.

DATED: June 22, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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