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

DAMEION BROWN,
Petitioner,

No. CIV S-09-3463-CMK-P

vs.

ORDER

GARY SWARTHOUT,
Respondent.

_____/

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the denial of parole. Pending before the court is respondent’s motion (Doc. 11) for a stay of proceedings pending issuance of the mandate in Hayward v. Marshall, 512 F.3d 536 (9th Cir. 2008), rehearing en banc granted, 527 F.3d 797 (9th Cir. 2008). The request is denied. Respondent is, however, granted an extension of time to 30 days from the date of this order to file a response to the petition.

IT IS SO ORDERED.

DATED: May 6, 2010



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE