

1 DANIEL J. BRODERICK, #89424
 Federal Defender
 2
 3 CAROLYN M. WIGGIN, Bar #182732
 Assistant Federal Defender
 Designated Counsel for Service
 4 801 I Street, 3rd Floor
 Sacramento, California 95814
 5 Telephone: (916) 498-5700

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 7 Attorney for Petitioner
 CHARLES H. CARR, JR.
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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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14	CHARLES H. CARR, JR.,)	No. 2:10-cv-01778-MCE -JFM
15	Petitioner,)	
16	v.)	STIPULATION AND ORDER STAYING CASE
17	MATTHEW CATE,)	UNTIL JANUARY 26, 2012
18	Respondent.)	
19	_____)	Judge: Hon. John F. Moulds

20 Petitioner, CHARLES H. CARR, JR., by and through counsel, Assistant Federal Defender Carolyn
 21 M. Wiggin, and Respondent, Warden CAROL DALY, by and through counsel, Deputy Attorney General
 22 Pamela B. Hooley, hereby stipulate to and jointly request a stay of the proceedings in this matter until
 23 January 26, 2012.

24 Mr. Carr was released from prison pursuant to this Court's order in related case nos.
 25 2:04-cv-00584-MCE-JFM, 2:05-cv-01870-MCE-JFM, and 2:05-cv-01871-MCE-JFM.

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1 On June 28, 2011, the Ninth Circuit reversed the judgments in those three cases and remanded the
2 cases to this Court for further proceedings. See Carr v. Sisto, No. 09-15615, Carr v. Woodford, No.
3 09-15616, and Carr v. Horel, No. 09-15617. Rather than immediately seek Mr. Carr's return to state
4 prison, the California Board of Parole Hearings held a "Not in Custody" or "NIC" parole consideration
5 hearing for Mr. Carr on September 21, 2011. At the conclusion of that hearing the panel found Mr. Carr
6 suitable for parole. If neither the Board nor the Governor vacate or reverse the panel's decision, it will
7 become final on or before January 19, 2012.

8 In order to conserve judicial resources, the parties ask that the Court stay this case until the parties
9 know whether the parole suitability decision is to become final. Assuming that the decision becomes final
10 on or before January 19, 2012, then one week later, on January 26, 2012, the stay in this matter will be
11 lifted and Mr. Carr will file a request to voluntarily dismiss this petition. If, on the other hand, the parole
12 suitability decision is vacated or reversed by the Board or Governor, then on or before January 26, 2012,
13 the parties will file a joint status report regarding the need, if any, for further motions or briefing.

14 Respectfully submitted,

15 DANIEL BRODERICK
16 Federal Defender

17 Dated: October 21, 2011

18 /s/ Carolyn M. Wiggin
19 CAROLYN M. WIGGIN
20 Assistant Federal Defender

21 Attorneys for Petitioner
22 CHARLES H. CARR

23 KAMALA D. HARRIS
24 Attorney General of the State of California

25 Dated: October 21, 2011

26 /s/ Pamela B. Hooley
27 PAMELA B. HOOLEY
28 Deputy Attorney General

Attorneys for Respondent

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ORDER

Pursuant to the parties' stipulation, and good cause appearing therefor, it is hereby ORDERED that this matter is stayed until January 26, 2012. On or before January 26, 2012, either petitioner shall file a request for voluntary dismissal of this petition or the parties shall file a joint status report regarding the need, if any, for further motions or briefing.

IT IS SO ORDERED.

Dated: November 7, 2011.


UNITED STATES MAGISTRATE JUDGE

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