

United States District Court
For the Northern District of California

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

LEWIS HAGGARD,

No. C 06-07658 SI

Petitioner,

ORDER LIFTING STAY

v.

BEN CURRY,


Respondent.

On September 3, 2008, this Court entered a stay of proceedings in this action pending the Ninth Circuit's *en banc* consideration in the case *Hayward v. Marshall*, 512 F.3d 536 (9th Cir. 2008), *reh'g en banc granted by* 527 F.3d 797 (9th Cir. 2008). More than a year has passed since the Court entered the stay, and the Ninth Circuit has yet to issue an *en banc* decision in *Hayward*. Under these circumstances, maintaining the stay of this case is no longer warranted because it could result in a very lengthy delay in the disposition of petitioner's claims. Accordingly, the Court hereby LIFTS the stay in this action and submits the matter for decision.

This matter is fully briefed. However, should either party wish to submit supplemental briefing for the Court's consideration, they may do so no later than **March 17, 2010**. The Court will issue an order shortly thereafter.

IT IS SO ORDERED.

Dated: March 9, 2010



SUSAN ILLSTON
United States District Judge

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