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United States District Court
For the Northern District of California

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

PAUL ALBERT GUARDADO,
Petitioner,
v.
J. DAVIS, et al.,
Respondents.

No. C 08-03268 CW

ORDER STAYING
PETITION FOR WRIT OF
HABEAS CORPUS

_____ /

On July 7, 2008, Petitioner Paul Albert Guardado, a state prisoner incarcerated at the Correctional Training Facility at Soledad, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is directed to his sixth denial of parole by the Board of Parole Hearings (Board) on September 25, 2007.

On April 9, 2008, in Guardado v. Perez, consolidated case number C 05-00194 CW, a habeas petition challenging the Board's 2002, 2003, 2004 and 2006 denials of parole to Petitioner, the Court granted habeas relief and remanded to the Board to hold a new hearing and re-evaluate Petitioner's suitability for parole. However, Petitioner remains in custody. Defendant's appeal of the Court's December 14, 2009 Order Granting Petitioner's Motion to Enforce Judgment By Release of Prisoner is now before the Ninth Circuit Court of Appeal. On December 23, 2009, the Ninth Circuit

1 granted Respondent's motion for a stay of the December 14, 2009
2 Order pending appeal.

3 If the Ninth Circuit affirms the December 14, 2009 Order, the
4 instant petition challenging the Board's later denial of parole
5 will become moot. Therefore, the Court will stay this case pending
6 resolution of the appeal in case number C-05-0194 CW. The parties
7 shall file with the Court quarterly status reports of the
8 proceedings before the Ninth Circuit.

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IT IS SO ORDERED.



Dated: January 20, 2010

CLAUDIA WILKEN
United States District Judge