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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAMIEN HALL,

Petitioner,

No. C 09-5299 PJH

v.

**BRIEFING SCHEDULE FOR
MOTION FOR RELEASE**

SAN FRANCISCO SUPERIOR COURT,

Respondent.

_____ /

Petitioner Damien Hall ("Hall"), a state prisoner who had been released on bail at the time he filed his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on November 6, 2009, has since been remanded into custody. On January 27, 2010, Hall filed a motion for release pending decision on his federal habeas petition, and also filed a stipulation to expedite a hearing and briefing schedule on the motion. Hall contends that he is entitled to release given the prolonged nature of briefing that is typical in habeas cases, the need to provide for his dependants, the merits of his petition, and based on his severe gastrointestinal problems, which may necessitate surgery to address possible ulcers and consequences of acid reflux condition.

The court's calendar is full for the date requested by counsel, February 10, 2010, and additionally the court does not routinely hold hearings on habeas petitions or motions in any event. Accordingly, the request for an expedited hearing is DENIED. Respondent's opposition is due **February 10, 2010**, and Hall may file a reply no later than **February 17, 2010**. If the parties wish to expedite their briefing they may do so. The motion will be deemed submitted once it has been fully briefed and the court will decide the motion on the

United States District Court
For the Northern District of California

1 papers unless upon review of the papers it is determined that a hearing is necessary, in
2 which case counsel will be contacted with a hearing date.

3 **IT IS SO ORDERED.**

4 Dated: January 28, 2010



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6 PHYLLIS J. HAMILTON
United States District Judge

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