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

ARBBIE M. HODGE,

Petitioner,

No. CIV S-06-483 FCD CHS P

vs.

THOMAS L. CAREY, Warden, et al.,

Respondents.

ORDER

_____ /

Petitioner Arbbie M. Hodge is a state prisoner proceeding through counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. Petitioner challenges the execution of the sentence imposed for his second degree murder conviction for a 1979 offense, and specifically, the February 20, 2004 decision of the governor reversing the Board of Prison Terms' decision that petitioner was suitable for parole.

The pending amended petition for writ of habeas corpus was filed on February 5, 2007. Respondents filed their answer on April 4, 2007, and petitioner's traverse was filed on April 19, 2007. This matter has been fully briefed and considered submitted for decision since that time, except for the period of time that it was administratively stayed in anticipation of the Ninth Circuit's decision in *Hayward v. Marshall*, 512 F.3d 536 (9th Cir. 2008). On October 6, 2009, this court entered an order lifting the stay. On October 7, 2009, petitioner, through

1 counsel, filed a motion for leave to file a supplemental brief of ten pages in length. Petitioner
2 contends that the amended petition raises issues in a rapidly-evolving area of the law, and wishes
3 to ensure that the court is aware of numerous relevant decisions issued by state and federal courts
4 since the close of briefing in this matter.

5 Good cause appearing, IT IS HEREBY ORDERED THAT petitioner's October 7,
6 2009 motion is GRANTED. Within 30 days of the date of this order, petitioner may file a
7 supplemental brief which shall not exceed 10 pages in length, limited to the issues already
8 presented in the pending amended petition. Within 30 days after any such brief is filed,
9 respondent may, but is not required to, file a response that also shall not exceed 10 pages in
10 length.

11 DATED: November 25, 2009


CHARLENE H. SORRENTINO
UNITED STATES MAGISTRATE JUDGE