

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEFFRY IAN COOK,

Petitioner,

v.

D.K. SISTO, Warden,

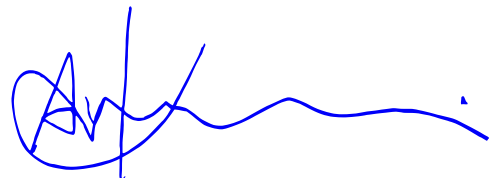
Respondent.

No. 2:08-cv-02025-AK

ORDER

The warden urged me to hold my decision until the Ninth Circuit decided Hayward v. Marshall, 603 F.3d 546 (9th Cir. 2010) (en banc). No later than January 31, 2011, he shall brief whether Hayward and subsequent precedent require that I grant Cook's petition and remand to the Board of Parole Hearings. See, e.g., Pearson v. Muntz, 625 F.3d 539, 549–50 (9th Cir. 2010); Pirtle v. Cal. Bd. of Prison Terms, 611 F.3d 1015, 1021–25 (9th Cir. 2010); Cooke v. Solis, 606 F.3d 1206, 1216 (9th Cir. 2010); In re Prather, 234 P.3d 541, 552 (Cal. 2010). Cook may file a response no later than February 28, 2011. Neither brief may exceed 5000 words.

January 5, 2011



ALEX KOZINSKI

Chief Circuit Judge
Sitting by designation