

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

JOSEPH P. GUTIERREZ,  
Petitioner,

No. C 05-1537 SI

**ORDER RE: FURTHER BRIEFING**


v.

A.P. KANE and BOARD OF PRISONS TERMS  
COMMISSIONERS,  
Respondents.

On January 24, 2011, the Supreme Court decided *Swarthout v. Cooke*, \_\_\_ S. Ct. \_\_\_, 2011 WL 197627 (U.S. Jan. 24, 2011). Petitioner shall address the applicability of *Swarthout* in the traverse, which is due February 7, 2011, and respondent may file a supplemental brief addressing *Swarthout* no later than February 21, 2011.

**IT IS SO ORDERED.**

Dated: January 24, 2011

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge

United States District Court  
For the Northern District of California