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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 RAUL ESCARCEGA,
9 Petitioner,

No. C 06-3693 SI (pr)

**ORDER FOR SUPPLEMENTAL
BRIEFING**

10 v.

11 A. P. KANE, warden,
12 Respondent.
13 _____/

14 En banc review is now pending in Hayward v Marshall, 512 F3d 536 (9th Cir), reh'g
15 en banc granted, 527 F3d 797 (9th Cir 2008), in which important issues related to habeas
16 petitions challenging the denial of parole in California may be decided. The en banc oral
17 argument has occurred and the second round of supplemental briefing is in progress in
18 Hayward. In light of the possibility that the Hayward en banc decision may affect the
19 analysis of this parole denial case, the court requests supplemental briefing on it.

20 Accordingly, within **ten days** of the date the en banc decision in Hayward is issued,
21 respondent must send a copy of that decision to petitioner. Within **twenty days** of the date
22 the decision is issued, respondent must file and serve a supplemental brief (if any) on the
23 impact of Hayward on this action. Within **forty-five days** of the date the decision is issued
24 petitioner must file and serve his supplemental brief (if any) on the impact of Hayward on
25 this action.

26 IT IS SO ORDERED.

27 DATED: September 30, 2008

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SUSAN ILLSTON
United States District Judge