

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

KENNETH E. LUTHER,)	No. C 07-2565 JSW (PR)
Petitioner,)	
vs.)	ORDER REQUESTING SUPPLEMENTAL BRIEFING
BEN CURRY, Warden,)	
Respondent.)	
_____)	

A recent en banc decision from the Ninth Circuit addressed important issues relating to federal review of parole decisions in California. *See Hayward v. Marshall*, No. 06-55392, 2010 WL 1664977 (9th Cir. April 22, 2010) (en banc). The Court requests that the parties submit supplemental briefs (not to exceed 12 pages in length) explaining their views on how the *Hayward* en banc decision applies to this parole denial habeas case. The Court sets the following schedule:

1. Within 10 days of this order, Respondent shall send to Petitioner a copy of the *Hayward* decision.
2. Within 30 days of this order, Respondent shall file with the court and serve on Petitioner a supplemental brief on the impact of *Hayward* on this action.
3. Within 15 days thereafter, Petitioner may file with the court and serve on Respondent a supplemental brief on the impact of *Hayward* on this action.

IT IS SO ORDERED.

DATED: May 11, 2010



 JEFFREY S. WHITE
 United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 KENNETH E LUTHER,
6
7 Plaintiff,

Case Number: CV07-02565 JSW

CERTIFICATE OF SERVICE

8 v.

9 B CURRY et al,
10 Defendant.
_____ /

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
12 Court, Northern District of California.

13 That on May 11, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
16 receptacle located in the Clerk's office.

17 Kenneth E. Luther
18 D55450
19 P.O. Box 689
20 Soledad, CA 93960

Dated: May 11, 2010


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk