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

10 ALEX JACKSON,

No. C-08-0923 MMC

11 Petitioner,

**ORDER DIRECTING PARTIES TO FILE
SUPPLEMENTAL BRIEFS**

12 v.

13 BEN CURRY, Warden,

14 Respondent.
15 _____/

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17 On February 13, 2008, petitioner Alex Jackson, a California prisoner represented by
18 counsel, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C.
19 2254, challenging a December 14, 2005 decision by the California Board of Parole
20 Hearings ("Board") to deny petitioner parole. Respondent has filed an answer to the
21 petition and petitioner has filed a traverse. Additionally, respondent has filed a motion to
22 dismiss, which motion is fully briefed.

23 A recent decision by the Ninth Circuit addresses important issues relating to federal
24 review of parole decisions. See Hayward v. Marshall, 603 F.3d 546 (9th Cir. 2010) (en
25 banc). Consequently, the parties will be directed to file supplemental briefs setting forth
26 their respective views as to the effect, if any, of the Hayward en banc decision on the
27 Court's determination of the instant petition.

28 Accordingly, the Court hereby sets the following briefing schedule:

1. No later than July 6, 2010, respondent shall file and serve on petitioner a

1 supplemental brief addressing the impact of Hayward on the instant action.

2 2. No later than July 26, 2010, petitioner shall file and serve on respondent either a
3 supplemental brief addressing the impact of Hayward on the instant action or a notice that
4 he does not intend to file such a brief.

5 3. The parties' respective supplemental briefs shall not exceed fifteen pages in
6 length.

7 4. The matter will be deemed submitted on the date petitioner's supplemental brief
8 is due. No extensions of time will be granted to file the supplemental briefs absent a
9 showing of good cause.

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11 **IT IS SO ORDERED.**

12 Dated: June 16, 2010


MAKINE M. CHESNEY
United States District Judge