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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES E. DAVIS, JR.,
Petitioner,
v.
BEN CURRY, warden,
Respondent.

No. C 08-1127 MHP (pr)

ORDER FOR SUPPLEMENTAL MATERIALS

United States District Court
For the Northern District of California

In this habeas action, petitioner has challenged the sufficiency of the evidence to support the Board of Parole Hearings' May 31, 2006 decision that he was not suitable for parole. The record presented to this court by the parties does not include several of the items normally presented by the respondent in a habeas action challenging a denial of parole, and which the court needs to evaluate the legal claim. Specifically, the record does not include the life prisoner evaluation report, the psychological report, the probation report and/or state court appellate opinion that described the facts of the murder, or any document that lists the prisoner's disciplinary history.

Accordingly, respondent must file a copy of the following documents used at the May 31, 2006 hearing: (a) the life prisoner evaluation report, (b) the psychological report, (c) the probation report and/or state court appellate opinion on the appeal from the conviction that described the murder, and (d) a list of the CDC-115s and CDC-128s issued to petitioner showing the date and charge for each (if that information is not already contained in the life prisoner evaluation report). The court does not want more materials than were available to

1 the BPH at the May 31, 2006 hearing, i.e., respondent should not submit any documents that
2 post-date that hearing. Respondent must file the requested materials in a packet marked as
3 "Supplemental Exhibits" no later than **October 11, 2010**. The court does not need further
4 legal argument from the parties on this fully briefed habeas petition.

5 IT IS SO ORDERED.

6 DATED: September 9, 2010


Marilyn Hall Patel
United States District Judge

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