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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID BRYAN HART,
Petitioner,
v.
B. CURRY, warden,
Respondent.

No. C 08-01498 MHP

ORDER

Re: Order for Supplemental Briefing

Petitioner David Bryan Hart's claims for relief substantially rest on *Hayward v. Marshall*, 512 F.3d 536 (9th Cir. 2008) (*Hayward I*) vacated by *Hayward v. Marshall*, 527 F.3d 797 (9th Cir. 2009). Subsequent to the completion of briefing in this action, the Ninth Circuit, sitting *en banc*, vacated the panel's decision in *Hayward I* and issued an en banc opinion affirming the district court's denial of a writ of habeas corpus. *Hayward v. Marshall*, 603 F.3d 546 (9th Cir. 2010) (*Hayward II*). Accordingly, the parties are directed to file simultaneous supplemental briefs of no more than ten (10) pages by Monday, July 19, 2010, addressing the effect of *Hayward II* on this action.

IT IS SO ORDERED.

Dated: *June 25, 2010*


MARILYN HALL PATEL
United States District Court Judge
Northern District of California