

United States District Court

For the Northern District of California

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID LANCASTER,)
Petitioner,)
v.)
A.P. KANE, Warden,)
Respondent.)

No. C 08-1880 MMC (PR)
**ORDER DIRECTING PARTIES TO
FILE SUPPLEMENTAL BRIEFS**

18 On December 3, 2007, petitioner, a California prisoner incarcerated at the
19 Correctional Training Facility, Soledad, and proceeding pro se, filed the above-titled petition
20 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a 2006 decision by the
21 California Board of Prison Hearings (“Board”) to deny petitioner parole. Respondent has
22 filed an answer to the petition and petitioner has filed a traverse.

23 A recent decision from the Ninth Circuit addresses important issues relating to federal
24 review of parole decisions. See Hayward v Marshall, No. 06-55392, 2010 WL 1664977 (9th
25 Cir. April 22, 2010) (en banc). Consequently, the parties will be directed to file
26 supplemental briefs setting forth their respective views as to the effect, if any, of the
27 Hayward en banc decision on the Court's determination of the instant petition.

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

2 1. No later than **ten days from the date this order is filed**, respondent shall send to

3 petitioner a copy of the Hayward en banc decision.

4 2. No later than **twenty days from the date this order is filed**, respondent shall file

5 and serve on petitioner a supplemental brief addressing the impact of Hayward on the instant

6 action.

7 3. No later than **twenty days from the date respondent's supplemental brief is**

8 **filed**, petitioner shall file and serve on respondent either a supplemental brief addressing the

9 impact of Hayward on the instant action or a notice that he does not intend to file such a

10 brief.

11 4. The parties' respective supplemental briefs shall not exceed fifteen pages in length.

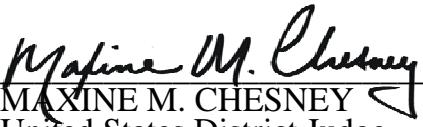
12 5. The matter will be deemed submitted on the date petitioner's supplemental brief is

13 due. No extensions of time will be granted to file the supplemental briefs absent a showing

14 of exceptional circumstances.

15 IT IS SO ORDERED.

16 DATED: May 20, 2010


MAXINE M. CHESNEY
United States District Judge

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