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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
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9 JOSEPH P. GUTIERREZ,

No. C 08-3906 SI (pr)

10 Petitioner,

**ORDER PERMITTING  
SUPPLEMENTAL BRIEFS**

11 v.

12 B. CURRY,


13 Respondent.  
14 \_\_\_\_\_/

15 A recent en banc decision from the Ninth Circuit addressed important issues relating to federal  
16 review of parole decisions, Hayward v Marshall, No. 06-55392, 2010 WL 1664977 (9th Cir. April 22,  
17 2010) (en banc). The court will provide each party an opportunity to submit a supplemental brief (not  
18 to exceed **15 pages** in length) explaining his views of how the Hayward en banc decision applies to this  
19 parole denial habeas case. The court sets the following schedule:

- 20 1. No later than **May 10, 2010**, respondent must send to petitioner a copy of the Hayward  
21 en banc decision.
- 22 2. No later than **May 28, 2010**, respondent must file and serve any supplemental brief on  
23 the impact of Hayward on this action.
- 24 3. No later than **July 2, 2010**, petitioner must file and serve any supplemental brief on the  
25 impact of Hayward on this action.

26 IT IS SO ORDERED.

27 DATED: April 27, 2010

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SUSAN ILLSTON  
United States District Judge