

## United States District Court

For the Northern District of California

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

12 GARY SINN, ) No. C 08-4579 MMC (PR)  
13 Petitioner, )  
14 v. )  
15 B. CURRY, Warden, )  
16 Respondent. )  
17 \_\_\_\_\_ )

**ORDER DIRECTING PARTIES TO  
FILE SUPPLEMENTAL BRIEFS**

18 On October 1, 2008, petitioner, a California prisoner incarcerated at the Correctional  
19 Training Facility, Soledad, and proceeding pro se, filed the above-titled petition for a writ of  
20 habeas corpus pursuant to 28 U.S.C. § 2254, challenging a 2007 decision by the California  
21 Board of Prison Hearings (“Board”) to deny petitioner parole. Respondent has filed an  
22 answer to the petition and petitioner has filed a traverse.  
23

24 A recent decision from the Ninth Circuit addresses important issues relating to federal  
25 review of parole decisions. See Hayward v Marshall, No. 06-55392, 2010 WL 1664977 (9th  
26 Cir. April 22, 2010) (en banc). Consequently, the parties will be directed to file  
27 supplemental briefs setting forth their respective views as to the effect, if any, of the  
28 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.

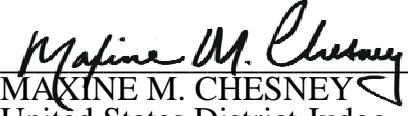
12           5. The matter will be deemed submitted on the date petitioner's supplemental brief is

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

17             
18           MAXINE M. CHESNEY  
19           United States District Judge