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

KENNETH MCCURDY,
Petitioner,
v.
BEN CURRY, Warden,
Respondent.

No. C 07-5084 CW (PR)

ORDER REQUESTING SUPPLEMENTAL
BRIEFING

_____ /

A recent en banc decision from the Ninth Circuit, Hayward v. Marshall, No. 06-55392, 2010 WL 1664977 (9th Cir. April 22, 2010) (en banc), addressed important issues relating to federal habeas review of Board of Parole Hearings (BPH) decisions denying parole to California state prisoners. Therefore, the Court will provide each party an opportunity to submit a supplemental brief (not to exceed ten (10) pages in length) explaining his views of how the Hayward en banc decision applies to the facts presented in Petitioner's challenge to BPH's decision denying him parole.

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United States District Court
For the Northern District of California

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The Court sets the following schedule:

1. No later than May 10, 2010, Respondent must send to Petitioner a copy of the Hayward en banc decision.
2. No later than May 28, 2010, Respondent must file and serve any supplemental brief applying Hayward to the facts presented in Petitioner's case.
3. No later than July 2, 2010, Petitioner must file and serve any supplemental brief applying Hayward to the facts presented in his case.

IT IS SO ORDERED.

Dated: 5/6/2010



CLAUDIA WILKEN
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 KENNETH DONALD MCCURDY,

5 Plaintiff,

6 v.

7 BEN CURRY et al,

8 Defendant.

Case Number: CV07-05084 CW

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
10 Northern District of California.

11 That on May 6, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies)
12 in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in
13 the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's
14 office.

15 Kenneth Donald McCurdy C-76230
16 Chuckawalla Valley State Prison
17 P.O. Box 2289
18 Blythe, CA 92225

19 Dated: May 6, 2010

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk