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

FRANCISCO CASTILLO,  
Petitioner,  
v.  
BEN CURRY, Warden,  
Respondent.

No. C 08-2343 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 FRANCISCO P. CASTILLO JR,

5 Plaintiff,

6 v.

7 B. CURRY et al,

8 Defendant.

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Case Number: CV08-02343 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 Francisco P. Castillo C-85768  
16 Correctional Training Facility  
17 C-329-Low  
18 P.O. Box 689  
19 Soledad, CA 93960

20 Dated: May 6, 2010

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