

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

STEPHEN LIEBB,  
Petitioner,  
  
v.  
  
R. AYERS JR.,  
Respondent.

No. C 08-2643 CW

TENTATIVE RULING  
DENYING PETITION  
FOR WRIT OF HABEAS  
CORPUS

United States District Court  
For the Northern District of California

On December 2, 2009, this Court granted Petitioner's petition for writ of habeas corpus and ordered the California Board of Parole Hearings to hold a parole hearing for Petitioner. On April 14, 2011, the Ninth Circuit reversed and remanded this Court's decision in light of Swarthout v. Cooke, 131 S. Ct. 859 (2011). The Supreme Court's holding in Swarthout appears to be dispositive of the petition.

The parties have not filed any papers since the case was remanded, and it appears that there are no remaining issues to be decided in this case on remand. Unless, within fourteen days of the date of this order, either party shows cause to the contrary, outlining the issues it believes remain to be decided on remand, the Court will deny the petition for habeas corpus and the clerk will enter a separate judgment.

IT IS SO ORDERED.

Dated: 1/29/2013

  
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CLAUDIA WILKEN  
United States District Judge