

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 08 2010

PAUL EZRA RHOADES,)	No. 07-99023	MOLLY C. DWYER, CLERK U.S. COURT OF APPEALS
)		
Petitioner-Appellant,)	D.C. No. CV-93-00156-S-EJL	
)	District of Idaho,	
v.)	Boise	
)		
JEFF HENRY, of the IMSI,)	ORDER	
Department of Corrections State of)		
Idaho,*)		
)		
Respondent-Appellee.)		
)		

Before: RYMER, GOULD and BYBEE, Circuit Judges.

Submission of this case is deferred as to penalty phase issues pending the decision by the Idaho Supreme Court in *Rhoades, et al., v. Idaho*, No. 35187. The parties are requested to file a notice memorandum with the Clerk of this Court as soon as a decision has been rendered in the *Rhoades* case.

* Jeff Henry is substituted for his predecessor, Arvon J. Arave, Department of Corrections State of Idaho. Fed. R. App. P. 43(c)(2).