

UNITED STATES COURT OF APPEALS

FEB 02 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RANDY D. FISHER,

Petitioner - Appellant,

v.

OREGON BOARD OF PAROLE AND
POST PRISON SUPERVISION; BRIAN
BELLEQUE,

Respondents - Appellees.

No. 07-36096

D.C. No. CV-05-00829-PA
District of Oregon,
Portland

ORDER

Before: PAEZ and CLIFTON, Circuit Judges, and BURNS,* District Judge.

The Memorandum Disposition filed on January 18, 2011, is hereby withdrawn and vacated.

Within 14 days of the filing of this Order, each party shall submit a letter-brief addressing what effect, if any, the United States Supreme Court decision in *Swarthout v. Cooke*, 562 U.S. ____ (2011) has on this matter. The letter-briefs shall not exceed five pages.

The court will file a new disposition in due course.

* The Honorable Larry A. Burns, District Judge for the U.S. District Court for Southern California, San Diego, sitting by designation.