

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DAMON COOKE, <i>Petitioner-Appellant,</i> v. JOSE SOLIS, Warden, California Training Facility-Central; BOARD OF PRISON TERMS; A. KANE, <i>Respondents-Appellees.</i>
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No. 06-15444
D.C. No.
4:04-cv-04439-CW
Northern District of
California,
San Francisco
ORDER

On Remand From The United States Supreme Court

Filed May 31, 2011

Before: Stephen Reinhardt, Kim McLane Wardlaw, and
Milan D. Smith, Jr., Circuit Judges.

ORDER

Appellant's motion to file the supplemental brief lodged with the Clerk's office is **GRANTED**. In light of the Supreme Court's opinion in *Swarthout v. Cooke*, dated January 24, 2011, the district court's order denying the writ of habeas corpus is **AFFIRMED**.