

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

DOUGLAS RAY MILLER,
Petitioner-Appellant,

v.

OREGON PAROLE BOARD AND POST
PRISON SUPERVISION,
Respondent-Appellee,

and

POST PRISON SUPERVISION,
Respondent.

No. 07-36086

D.C. No.

CV-05-00440-

MWM

District of Oregon,
Portland

ORDER

Filed February 2, 2011

Before: Richard A. Paez and Richard R. Clifton,
Circuit Judges, and Larry A. Burns,* District Judge.

ORDER

The Opinion filed on January 18, 2011, and reported at ___
F.3d ___ (9th Cir. 2011), 2011 WL 135041, is hereby with-
drawn 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 Honorable Larry A. Burns, District Judge for the U.S. District
Court for Southern California, San Diego, sitting by designation.

The court will file a new disposition in due course.