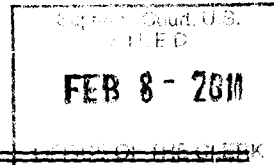


No. 10-868



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**In the Supreme Court of the United States**

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MATTHEW CATE, *Petitioner, et al.*

v.

JOHN PIRTLE, *Respondent, et al.*

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ON PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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**PETITIONERS' SUPPLEMENTAL BRIEF**

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Petitioners file this supplemental brief to inform this Court that on January 31, 2011, in light of this Court's decision in *Swarthout v. Cooke*, No. 10-333, the Ninth Circuit Court of Appeals withdrew its disposition in *Mosley v. Oroski*, which is one of the five cases presented in this consolidated petition. The Ninth Circuit's order is attached.

Respectfully submitted,

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February 4, 2011

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**  
JAN 31 2011

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

RON MOSLEY,	No. 08-15327
Petitioner – Appellant,	D.C. No. CV-05-
v.	04260-TEH
S. OROSKI,	Northern District of
Respondent – Appellee.	California, San
	Francisco
	ORDER

RON MOSLEY,	No. 08-15389
Petitioner – Appellant,	D.C. No. CV-05-
v.	04260-TEH
S. OROSKI,	Northern District of
Respondent – Appellee.	California, San
	Francisco

Before: ALARCÓN and RYMER, Circuit Judges.

In light of the Supreme Court's decision in *Swarthout v. Cooke*, No. 10-333, 2011 WL 197627 (Jan. 24, 2011) (per curiam), the disposition filed on November 24, 2010 is withdrawn. Further

proceedings are stayed pending final resolution of *Cooke v. Solis*, 606 F.3d 1206 (9th Cir. 2010), and *Clay v. Kane*, 384 Fed. App'x 544 (9th Cir. 2010), in this court. The parties are requested to file a notice memorandum with the Clerk of this court as soon as decisions have been rendered in these cases.