

652 F.2d 823 (1981)

Tom CAPPs, et al., Plaintiffs-Respondents,

v.

Victor ATIYEH, Governor of the State of Oregon; Robert J. Watson, Administrator of the Corrections Division of the State of Oregon; Hoyt C. Cupp, Superintendent of the Oregon State Penitentiary; J. C. Keeney, Assistant Superintendent of the Oregon State Penitentiary; George E. Sullivan, Superintendent of the Oregon State Correctional Institution; Bill G. Cogswell, Ira Blalock, Elizabeth Brown, Chalmers L. Jones, and Hazel Hayes, Members of the Oregon Board of Parole, Defendants-Appellants.

Joe WEST, et al., Plaintiffs-Respondents,

v.

Victor ATIYEH, Governor of the State of Oregon; Robert J. Watson, Administrator of the Corrections Division of Oregon; Hoyt C. Cupp, Superintendent, Oregon State Penitentiary; George E. Sullivan, Superintendent, Oregon State Correctional Institution; Bill G. Cogswell, Ira Blalock, Elizabeth Browne, Chalmers L. Jones, and Hazel Hayes, Members of the Oregon Board of Parole, Defendants-Appellants.

[No. 80-3404.](#)

United States Court of Appeals, Ninth Circuit.

Argued May 7, 1981.

Submitted and Decided August 3, 1981.

Dave Fromnmayer, Atty. Gen., Salem, Or., for defendants-appellants.

Roy Haber, Eugene, Or., Robert A. Stalker, Jr., Salem, Or. (argued), for plaintiffs-respondents.

Before KENNEDY and ALARCON, Circuit Judges, and COPPLE,[¶] District Judge.

PER CURIAM:

The case is ordered submitted. The district court's judgment is vacated. See [Capps v. Atiyeh](#), 495 F.Supp. 802 (D.Ore.1980), *stayed*, [Atiyeh v. Capps](#), 449 U.S. 1312, 101 S.Ct. 829, 66 L.Ed.2d 785 (Rehnquist, Circuit Justice, 1981). The case is remanded for further

consideration and specific findings in light of [Rhodes v. Chapman, 452 U.S. 337, 101 S.Ct. 2392, 69 L.Ed.2d 59 \(1981\)](#) and [Wright v. Rushen, 642 F.2d 1129 \(9th Cir. 1981\)](#).

Appellants' motion to submit supplemental briefs is denied.

JUDGMENT VACATED and CASE REMANDED.

[\[*\]](#) Honorable William P. Cople, United States District Judge for the District of Arizona, sitting by designation.