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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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| KELLY ALICE KESSLER, |) | 1:10-cv-0322-LJO-BAM-HC |
| |) | |
| Petitioner, |) | ORDER DIRECTING RESPONDENT TO |
| |) | FILE NO LATER THAN THIRTY (30) |
| |) | DAYS AFTER THE DATE OF SERVICE OF |
| v. |) | THIS ORDER A SUPPLEMENTAL BRIEF |
| |) | ADDRESSING LEGAL ISSUES OMITTED |
| TINA HORNBEAK, Warden, et al., |) | FROM THE ANSWER |
| |) | |
| Respondents. |) | ORDER PERMITTING PETITIONER TO |
| |) | FILE A REPLY TO THE SUPPLEMENTAL |
| |) | BRIEF OF RESPONDENT NO LATER THAN |
| |) | TWENTY (20) DAYS AFTER THE DATE |
| |) | OF SERVICE OF RESPONDENT'S |
| |) | SUPPLEMENTAL BRIEF |

Petitioner is a state prisoner proceeding with counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 through 304. Pending before the Court is the first amended petition (FAP) and related motion proceedings.

The FAP was filed on January 18, 2011. Respondent filed an answer on February 9, 2011. Petitioner filed a traverse on March 31, 2011. A review of these documents reveals that in the answer, Respondent failed to respond to numerous legal arguments of the Petitioner that were affirmatively set forth in the FAP concerning the validity of the AEDPA and the applicability of the

1 AEDPA to this proceeding and to specified decisions of the
2 California courts. Specifically, Respondent failed to submit
3 briefing on the following issues that are set forth in the FAP
4 (referred to by the argument headings as they appear in the table
5 of contents of the FAP): Introductory allegations, points B, C,
6 and D concerning the validity or applicability of the AEDPA;
7 claim I(D) concerning the applicability of the AEDPA; claim II(B)
8 concerning the applicability of the AEDPA; claim III(D)
9 concerning the applicability of the AEDPA; and claim IV(B) (3)
10 concerning the applicability of the AEDPA and § 2254.

11 Respondent is DIRECTED to file a formal supplemental brief
12 fully addressing each of these issues no later than thirty (30)
13 days after the date of service of this order.

14 Petitioner may FILE a responsive supplemental brief no later
15 than twenty (20) days after the date of service of Respondent's
16 supplemental brief.

17 IT IS SO ORDERED.

18 **Dated: July 13, 2012**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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