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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROWAN BROOKS, Petitioner, v. JAMES YATES, Respondent.)))))))))	Case No.: 1:11-cv-01315-LJO-JLT ORDER DIRECTING PARTIES TO FILE BRIEFS AND SETTING BRIEFING SCHEDULE 30-DAY DEADLINE
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On March 28, 2016, the Ninth Circuit issued its decision, affirming in part and reversing in part the dismissal of the petition. (Doc. 43). In that decision, the Ninth Circuit noted that the “district court did not make findings with respect to whether Brooks was reasonably diligent.” (Id.). On remand, the Ninth Circuit directed this Court to make a determination whether Petitioner’s counsel acted diligently in pursuing relief from the Court’s judgment dismissing the petition. (Id.).

In light of the remand directions, the Court will require the parties to file briefs on the issue of whether Petitioner’s counsel, Gregory Mitts, acted diligently in response to the Court’s order dismissing the petition. The parties shall file briefs on this issue within thirty days of the issuance of this order. Thereafter, the parties may file reply briefs within fifteen days. Accordingly, the Court

ORDERS:

1. Within 30 days, the parties **SHALL** file briefs addressing the issue of whether Petitioner’s counsel, Gregory Mitts, acted diligently in pursuing relief from the Court’s order of

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dismissal within thirty days of service of this order;

2. The parties may file reply briefs within 15 days of filing the opening briefs;
3. The Court invites Mr. Mitts to file an informal brief or declaration on the topic¹;
4. The Clerk of the Court is **DIRECTED** to serve a copy of this order to Mr. Mitts at his address formally listed on the Court's docket.

IT IS SO ORDERED.

Dated: May 12, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

¹ Counsel SHALL provide their opening and reply briefs to Mr. Mitts via e-mail at the same time they are filed.