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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN CRITTENDEN,

Petitioner,

No. CIV S-95-1957 FCD GGH P

No. CIV S-97-0602 FCD GGH P

vs.

**DEATH PENALTY CASE**

ARTHUR CALDERON,

Respondent.

ORDER

\_\_\_\_\_ /  
The Ninth Circuit has remanded this case on the sole issue of application of Batson's third step under the new standard set forth by the Ninth Circuit issued after the district court's previous ruling in case, i.e., whether the prosecutor's peremptory strike of an African American juror was "motivated in substantial part" by race. Crittenden v. Ayers, 624 F.3d 943, 958 (9th Cir. 2010).

Neither of the parties desires to submit additional evidence. Therefore, utilizing the evidence of record, the parties shall submit briefing on application of Batson's third step standard on the following schedule: petitioner's opening brief, April 1, 2011; respondent's answering brief, May 2, 2011; petitioner's reply, May 23, 2011. The court has set this for hearing on June 9, 2011 at 1:30 p.m. in the undersigned's courtroom (Courtroom 9, 13th Floor).

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The court has accommodated the requests of counsel for this extended scheduling.  
Therefore, there shall be no extensions of this schedule absent compelling circumstances.  
Counsel's other business commitments which they have scheduled, or which are scheduled by  
other courts after the date of this order, are not compelling circumstances.

DATED: 12/21/2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

crittenden.sch