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8 Attorneys for Petitioner
 LANCE IAN OSBAND

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

13 LANCE IAN OSBAND,)	NO. CIV-S-97-0152 KJM
14)	
Petitioner,)	<u>CAPITAL CASE</u>
15)	
v.)	ORDER SETTING BRIEFING SCHEDULE
16)	
17 WARDEN, San Quentin State Prison,)	
18)	
Respondent.)	
19)	

20 On October 11, 2011, this Court held a hearing regarding the effects of *Cullen v. Pinholster*,
 21 563 U.S. ___, 131 S. Ct. 1388 (2011). Each party appeared through counsel. Having determined
 22 that it is appropriate at this time to consider whether 28 U.S.C. § 2254(d) bars relief for the claims
 23 on which an evidentiary hearing was granted, the court directed the parties to meet and confer and
 24 propose a briefing schedule. The parties did so and filed a joint statement reflecting their
 25 agreement. Having considered the briefs and joint statement, the court finds the proposed schedule
 26 is appropriate and should be adopted.

27 No later than January 26, 2012, Petitioner shall file an opening brief addressing the
 28 application of § 2254(d) to Claims I, V, IX, and XX. Although the evidentiary hearing was ordered

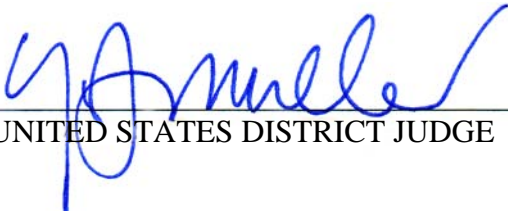
1 on only a portion of some claims, Petitioner shall address the claims *in toto*, as they were presented
2 to the California Supreme Court. *See Pinholster*, 131 S. Ct. at 1398 (“review under §2254(d)(1) is
3 limited to the record that was before the state court that adjudicated the claim on the merits”).

4 No later than April 25, 2012, Respondent shall file an answer brief.

5 No later than June 24, 2012, Petitioner shall file any reply.

6 IT IS SO ORDERED.

7 Dated: October 19, 2011.

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10 UNITED STATES DISTRICT JUDGE
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