-DAD (HC) (DP) Riel v. Woodford		
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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10	CHARLES D. RIEL,	
11	Petitioner,	No. CIV S-01-0507 LKK DAD
12	vs.	DEATH PENALTY CASE
13	WARDEN, San Quentin State Prison,	
14	ŕ	ORDER
15	Respondent.	<u>ORDER</u>
16		<u>/</u>
17	On November 16, 2011, the undersigned heard argument regarding the effects of	
18	the decision in <u>Cullen v. Pinholster</u> , U.S, 131 S. Ct. 1388 (2011) on these proceedings.	
19	Attorneys Tivon Schardl and Robert Bacon appeared for petitioner. Deputy Attorney Generals	
20	Tami Krenzin and Heather Gimle appeared for respondent.	
21	Given the recent decisions in Pinholster and Harrington v. Richter, U.S,	
22	131 S. Ct. 770 (2011), the parties agreed at the hearing that it would be appropriate at this time	
23	for them to brief the satisfaction of 28 U.S.C. §2254(d) with respect to the claims which are the	
24	subject of the evidentiary hearing ordered in 2008 and for claim 36, the subject of petitioner's	
25	March 14, 2011 motion to expand the record. See Doc. Nos. 204, 212, and 470.	
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Doc. 506

Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

- 1. Within sixty days of the filed date of this order, petitioner shall file a memorandum of points and authorities addressing the satisfaction of 28 U.S.C. §2254(d) with respect to claims 2, 5, 6, 9, and 36 of the first amended petition. Respondent shall file an opposition within forty-five days of the filing date of petitioner's brief. Petitioner may file a reply within thirty days thereafter.
- 2. Each memorandum shall be complete in and of itself and shall not incorporate by reference prior briefing.
  - 3. After receipt of these briefs, the court will schedule oral argument.

DATED: November 16, 2011.

DALE A. DROZD

UNITED STATES MAGISTRATE JUDGE

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