

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 HERBERT JAMES CODDINGTON,

11 Petitioner,

No. CIV S-01-1290 KJM GGH DP

12 vs.

DEATH PENALTY CASE

13 VINCE CULLEN, Acting Warden,

14 Respondent.

ORDER

15 _____/
16 Presently pending is petitioner's motion for discovery, part of which was filed
17 under seal. Docs. 107, 110. Respondent timely filed an opposition and a hearing was held
18 before the undersigned on March 24, 2011. Appearing for petitioner was Jennifer Mann and
19 Bruce Cohen.¹ Appearing for respondent was Christina Simpson and Eric Christoffersen.

20 On April 4, 2011, the Supreme Court decided Cullen v. Pinholster, 131 S.Ct. 1388,
21 2011 WL 1225705 (2011), that relates to the instant case. Within 14 days, both parties shall file
22 simultaneous briefing regarding Cullen and its application to the discovery requests. The parties
23 should address all issues that were raised in the instant discovery motion including the juror
24 claim.

25 _____
26 ¹ Mr. Cohen appeared by phone.

On April 14, 2011, the parties filed a stipulation regarding respondent's discovery requests and a proposed protective order. The court will reserve judgment on the stipulation and proposed protective order until the above briefing has been filed.

Accordingly, IT IS HEREBY ORDERED that within 14 days, both parties shall file simultaneous briefing regarding Cullen.

DATED: April 19, 2011

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

GGH: AB
codd1290.ord.DP