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4 Attorney for Petitioner,  
 5 ALFRED LEE GRAYSON

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

9	ALFRED LEE GRAYSON,	)	No. Civ. S-03-1694 MCE KJM
10		)	
	Petitioner,	)	STIPULATION AND PROPOSED
11		)	ORDER FOR BRIEFING SCHEDULE
	v.	)	AFTER REMAND BY THE NINTH
12		)	CIRCUIT
	TOM L. CAREY, Warden,	)	
13		)	
	Respondent.	)	
14		)	

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 16 This matter is in the District Court after remand from the Ninth Circuit. Pursuant to the  
 17 remand order, the court is to consider the issue of procedural default, and if there is no  
 18 procedural default, is to evaluate the confrontation clause claim pursuant to *Ohio v. Roberts*, 448  
 19 U.S. 56 (1980).

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 21 The parties hereby stipulate and agree that the court adopt the following briefing  
 22 schedule concerning the procedural default issue and the application of *Ohio v. Roberts*:  
 23 petitioner's points and authorities will be due **April 24, 2009**, respondent's points and authorities  
 24 will be due **June 24, 2009**, and petitioner's reply will be due on **July 26, 2009**. Counsel for  
 25 petitioner is beginning a lengthy trial, and needs time to review record materials and prepare on  
 26 behalf of his client. Thus, it is anticipated that these dates will afford counsel time to adequately  
 27 prepare.

1 DATED: January 6, 2009

s/ Tim Warriner, Attorney for Petitioner,  
ALFRED LEE GRAYSON

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3 DATED: January 6, 2009

s/ Janis McLean, Deputy Attorney General,  
Attorney for Respondent

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ORDER

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GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, it is hereby  
7 ordered that petitioner's points and authorities will be due April 24, 2009, respondent's points  
8 and authorities will be due June 24, 2009, and petitioner's reply will be due on July 26, 2009.

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DATED: January 16, 2009.

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U.S. MAGISTRATE JUDGE

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