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

JIMMY LEE BILLS,

Petitioner,

No. CIV S-06-2223 MCE GGH P

vs.

KEN CLARK, et al.,

Respondent.

ORDER

_____ /

Petitioner appealed dismissal of this habeas petition in the district court, and, in a decision filed on December 8, 2010, the Ninth Circuit reversed and remanded the case to this court. Counsel for the parties are to file simultaneous briefs within twenty-one (21) days, neither brief to exceed twenty pages, addressing how the newly articulated appropriate standard to determine eligibility for equitable tolling due to mental impairment should be applied to the facts of this case, and arguing the question of petitioner’s diligence in seeking assistance, including whether any such assistance was available. The parties shall also state their positions regarding the taking of additional evidence on the issues above.

IT IS SO ORDERED.

DATED: May 4, 2011

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE