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EASTERN DISTRICT OF CALIFORNIA

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

ARMSTER HAMPTON,

Petitioner,

Case No. 2:07-cv-00550 ALA (HC)

vs.

MICHAEL S. EVANS, Warden,

ORDER

Respondent.

(HC) Hampton v. Evans

Doc. 72

_____/

On February 10, 2009, the parties appeared before the Court for purposes of a limited evidentiary hearing regarding Petitioner's claim of ineffective assistance of counsel during the plea bargaining stage of the proceedings against him in the Superior Court of California, County of San Joaquin. (Doc. 52). The Court hereby directs Petitioner to submit a post-hearing brief on or before February 24, 2009, discussing the evidence presented at the evidentiary hearing and points and authorities in support of Petitioner's claim that his counsel was ineffective in representing him at the pleas bargaining negotiations. Respondent is directed to file a response on or before March 3, 2009. The briefs shall be no more than ten pages. The court reporter will provide the court and counsel with a copy of these proceedings as soon as possible.

The parties are also requested to address the applicability, if any, of *Perez v. Rosario*, 459 F.3d 943 (9th Cir. 2006) to the claim of ineffective assistance of counsel during the plea

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bargaining negotiations.

Good cause shown, IT IS HEREBY ORDERED that:

1. Petitioner's brief shall be due on or before February 24, 2009; and,
2. Respondent's response shall be due March 3, 2009.

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DATED: February 10, 2009

/s/ Arthur L. Alarcón
UNITED STATES CIRCUIT JUDGE
Sitting by Designation