

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT PATRICK,

Petitioner,

v.

SUSAN HUBBARD,

Respondent.

No. 2:07-cv-00582-AK

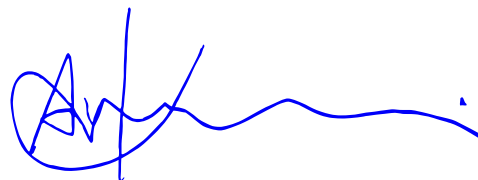
ORDER

The parties are ordered to file supplemental briefs addressing the impact of Cullen v. Pinholster, 131 S. Ct. 1388 (2011), on the motion to expand the record filed by Patrick on April 6, 2009. The parties should address whether Patrick made any effort in state court to expand the record in support of his ineffective assistance of counsel claim, and the relevance, if any, of Taylor v. Maddox, 366 F.3d 992, 1001 (9th Cir. 2004) (“If . . . a state court makes evidentiary findings without holding a hearing and giving petitioner an opportunity to present evidence, such findings clearly result in an ‘unreasonable determination’ of the facts.”).

Patrick’s brief shall be filed by March 26, 2012. The warden’s response shall be filed by April 16, 2012. Patrick’s optional reply is due April 30, 2012.

The principal briefs may not exceed 4000 words, and the reply may not exceed 2000 words.

March 5, 2012

A handwritten signature in blue ink, appearing to read 'Alex Kozinski', with a stylized, cursive script.

ALEX KOZINSKI
Chief Circuit Judge
Sitting by designation