

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

SARAH WEEDEN,

Petitioner,

vs.

DEBORAH K. JOHNSON, Warden,
Central California Women's Facility,

Respondent.

No. 2:13-cv-02667-JKS

ORDER

[Re: Conditional Writ of Habeas Corpus]

This Court denied habeas relief and a certificate of appealability to Sarah Weeden, a state prisoner represented by counsel. Docket Nos. 15, 16. Weeden timely filed a notice of appeal, Docket No. 17, and the Ninth Circuit Court of Appeals granted her a certificate of appealability with respect to: 1) whether counsel rendered ineffective assistance by failing to present expert testimony regarding her age and immaturity; and 2) whether she was entitled to a jury instruction on her age-related defense, Docket No. 3 (Ninth Cir. Case No. 14-17366). On appeal, the Ninth Circuit issued an order dated April 21, 2017, conditionally granting Weeden habeas relief on her ineffective assistance of counsel claim and remanding her case to this Court. Docket No. 23.

On June 7, 2017, the mandate of the Ninth Circuit's judgment issued. Docket No. 24; Docket No. 38 (Ninth Cir. Case No. 14-17366). The Ninth Circuit's April 21, 2017, order directs this Court "to grant the writ of habeas corpus to unless Weeden is timely retried." Docket No. 23 at 19 (footnote omitted).

IT IS THEREFORE ORDERED that Respondent shall have 30 days, or up to and including July 7, 2017, to file with this Court notice of whether the state intends to retry Weeden.

The Clerk of Court is directed to serve a copy of this Order on the Ninth Circuit Court of Appeals.

Dated: June 7, 2017.

/s/James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
Senior United States District Judge