

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

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). Later that day, this Court ordered Respondent to file notice by July 7, 2017, of whether the state intends to retry Weeden. Docket No. 25. On June 12, 2017, Respondent informed the Court that the state intends to retry Weeden. Docket No. 28.

IT IS THEREFORE ORDERED Respondent shall have up to and including July 31, 2017,¹ to file with this Court a Status Report detailing the substantial and concrete steps that the state has taken with respects to retrying Weeden.

IT IS FURTHER ORDERED THAT Weeden shall have up to and including August 30, 2017, to file a response, if any.

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

Dated: June 13, 2017.

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

¹ The Court has granted Respondent additional time to accommodate defense counsel's schedule, as reflected in defense counsel's motion at Docket No. 26.