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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 Calvin COLEMAN Jr,
13 Petitioner,

14 v

15 Robert L AYERS Jr, Warden of San
16 Quentin State Prison,
17 Respondent.

Case No 3-90-cv-1588-VRW

DEATH-PENALTY CASE

ORDER LIFTING STAY AND
DIRECTING FILING OF JOINT
STATUS REPORT

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18 The present action has been held in abeyance pending
19 Petitioner's exhaustion of his Atkins claim in state court. The
20 Court has been advised that Petitioner has exhausted his Atkins
21 claim and that, pursuant to stipulation, Petitioner has been
22 found to be mentally retarded and therefore cannot be executed.
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24 Accordingly, and good cause appearing therefor, the
25 stay of the present action is hereby lifted. Not later than
26 thirty days after the date the present order is filed, the
27 parties shall file a joint report regarding the status of
28 Petitioner's resentencing and the status of any unresolved claims
in the petition. The status report shall include a discussion of

1 whether Petitioner remains entitled to court-appointed counsel in
2 light of the fact that he is no longer condemned.

3 It is so ordered.

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7 VAUGHN R WALKER
8 United States Chief District Judge
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