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10 Attorneys for Petitioner
 GREGORY CALVIN SMITH

11
 12 **UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

16)	NO. 3:04-CV-03436-CRB
17	GREGORY CALVIN SMITH,)	<u>DEATH PENALTY CASE</u>
18	Petitioner,)	
19	v.)	STIPULATED CONTINUANCE
20	ROBERT AYERS, Warden,)	
21	San Quentin State Prison,)	
22	Respondent.)	
23	_____)	

24 **STIPULATION**

25 The parties, by and through their attorneys of record, hereby stipulate:

26
 27 *Stipulated Continuance*
 28 *No. 3:04-CV-03436-CRB*

1 1. The petition filed on behalf of Gregory Calvin Smith does not comply with
2 Local Rule 2254-28(b)(4).

3 2. Counsel for petitioner will review the petition, identify where in the record
4 each claim was exhausted in state court, if the claim was exhausted, and make appropriate
5 revisions to the petition.

6 3. Counsel will complete and file the revised petition by January 20, 2010. At
7 that time, the presumptive schedule contemplated by Local Rule 2254-29 will start to run.

8
9 Dated: _____ /s/ Michael Snedeker
10 MICHAEL R. SNEDEKER
11 Attorney for Petitioner

12 Dated: _____ /s/ Harold Rosenthal
13 HAROLD ROSENTHAL
14 Attorney for Petitioner

15 Dated: _____ /s/ Lisa Ashley Ott
16 LISA ASHLEY OTT
17 Attorney for Respondent

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 Dated: December 16, 2009

