

United States District Court  
For the Northern District of California

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

VALERIE E. CAMPBELL,  
Petitioner,

No. C 06-02225 CRB

**ORDER DIRECTING BRIEFING**

v.

GLORIA HENRY,  
Respondent.

This habeas case was filed in 2006, and the Court would like to get on with it. Petitioner Valerie Campbell concedes in her Traverse that “most of the claims she filed are procedurally barred,” but argues that claims 3, 5, 7 and 20 should be excused under Martinez v. Ryan, 132 S.Ct. 1309 (2012). Traverse (dkt. 94) at 1, 6-9. Presumably she also wishes to pursue claims 22 and 23, which the government challenges on grounds other than procedural default, and claim 25, which the government did not address in its Answer. See Answer (dkt. 53) at 14-18 (arguing that Court should deny claims 22 and 23 on the merits). Petitioner asks for an evidentiary hearing on the subject of procedural default. Traverse at 9. The government argues that Martinez does not apply<sup>1</sup> and that Petitioner has not demonstrated that she is entitled to a hearing. See generally Response at 3-6, 7. In the

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<sup>1</sup> The government acknowledges, however, that parts of claim 3 are not procedurally barred. Response (dkt. 95) at 6-7.

1 interest of judicial efficiency, the Court will not resolve the procedural default question at  
2 this time (nor hold an evidentiary hearing on the matter).

3 Assuming without deciding that Martinez would excuse Petitioner's default on claims  
4 3, 5, 7 and 20, the Court directs the parties to address the merits of those claims, as well as  
5 claims 22, 23 and 25. The government's brief is due within sixty (60) days of this Order, and  
6 Petitioner's response is due thirty (30) days after that.

7 **IT IS SO ORDERED.**

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9 Dated: March 3, 2015

  
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10 CHARLES R. BREYER  
11 UNITED STATES DISTRICT JUDGE

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