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

JERMAINE D. BROOKS,)	
)	
Petitioner,)	No. C 09-1355 CRB (PR)
)	
vs.)	ORDER
)	
J. WALKER, Warden,)	
)	
Respondent.)	
_____)	

On July 17, 2009, the court (White, J.) ordered respondent to show cause, within 60 days, as to why a writ of habeas corpus under 28 U.S.C. § 2254 should not be granted as to the following four claims – (1) the trial court committed Batson error; (2) petitioner's sentence of life without the possibility of parole constitutes cruel and unusual punishment; (3) admission of pre-trial statements of witness Chandler that were described as "credible" and "accurate" violated petitioner's Sixth Amendment rights; and (4) prosecutorial misconduct violated petitioner's rights to due process and a fair trial.

On August 7, 2009, the case was reassigned to the undersigned and various deadlines were vacated.

In order to expedite this matter, the court orders as follows:

- Respondent shall file with the court and serve on petitioner, within 30 days of this order, an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be granted.

1 Respondent shall file with the answer and serve on petitioner a copy of all portions of the
2 state trial record that have been transcribed previously and that are relevant to a
3 determination of the issues presented by the petition.

4 If petitioner wishes to respond to the answer, he shall do so by filing a traverse
5 with the court and serving it on respondent within 30 days of his receipt of the answer.

6 2. Respondent may file a motion to dismiss on procedural grounds in lieu of
7 an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules
8 Governing Section 2254 Cases. If respondent files such a motion, petitioner shall file
9 with the court and serve on respondent an opposition or statement of non-opposition
10 within 30 days of receipt of the motion, and respondent shall file with the court and serve
11 on petitioner a reply within 15 days of receipt of any opposition.

12 3. Petitioner is reminded that all communications with the court must be
13 served on respondent by mailing a true copy of the document to respondent's counsel.
14 Petitioner must also keep the court and all parties informed of any change of address.

15 SO ORDERED.

16 DATED: Oct. 15, 2009


17 CHARLES R. BREYER
18 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JERMAINE D. BROOKS,
Plaintiff,

Case Number: CV09-01355 CRB

CERTIFICATE OF SERVICE

v.

J. WALKER et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 15, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jermaine D. Brooks
V84088
P.O. Box 290066
Represa, CA 95671

Dated: October 15, 2009

Richard W. Wieking, Clerk

By:  Deputy Clerk