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

JOHN NGUYEN,

No. C 11-03324 WHA

Petitioner,

v.

**ORDER FOR FURTHER
SUBMISSIONS**

KATHLEEN DICKINSON, Warden,

Respondent.

The Court has received petitioner John Nguyen’s petition for writ of habeas corpus, respondent’s answer, petitioner’s traverse, and the memoranda of points and authorities thereto. Petitioner must provide a color copy, whether electronic or paper, of the declaration of Kenneth R. Moses and any other exhibit which requires color to interpret. Respondent must certify that the record lodged with the Court is a complete record of the state court proceedings or state why it is unable to lodge a complete record despite reasonable diligence. Petitioner and respondent shall complete these tasks by **NOON ON SEPTEMBER 28**.

In addition, the following statements shall be filed by **NOON ON OCTOBER 8**:

- 1) Respondent shall state under oath the full extent to which the prosecution and/or its investigating agents had information that Jason Le, Kelly Tang, and/or Phillip Nguyen were present at the scene on the night in question. This question is not limited to the discovery provided to trial counsel, but extends to the full universe of information covered by the *Brady* doctrine.


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- 2) Petitioner shall state under oath the full extent to which he was aware at the time in question, before trial, or during trial that Jason Le, Kelly Tang, and/or Phillip Nguyen were present at the scene on the night in question and the extent to which he knew their identities.
- 3) Trial counsel shall state under oath the full extent that he was aware that Jason Le, Kelly Tang, and/or Phillip Nguyen were potential witnesses, including what information was provided to him by petitioner concerning them, during trial or prior thereto.

Petitioner's counsel are responsible for obtaining items two and three.

IT IS SO ORDERED.

Dated: September 18, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE