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Attorneys for Petitioner
 MARVIN PETE WALKER, JR.

14 IN THE UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

18 **MARVIN PETE WALKER,**
 19
 20 Petitioner,
 21
 22 **v.**
 23
 24 **MICHAEL MARTEL, Acting Warden,**
California State Prison at San Quentin,
 Respondent.

CAPITAL CASE
 C 94-1997 SBA
**STIPULATION RE LITIGATION
 SCHEDULE FOR RESPONDENT'S
 STAY MOTION**

26 By Order filed March 31, 2011, this Court granted Petitioner's Petition for Writ of Habeas
 27 Corpus, and vacated Petitioner's judgment of conviction and sentence of death. Docket No. 199.
 28 This Court also ordered "the State of California either to release Petitioner or retry him, in

1 compliance with California state law and the United States Constitution.” *Id.* at 26. Pursuant to
2 Rule 62 of the Federal Rules of Civil Procedure, this Court’s judgment became effective on April
3 14, 2011.

4 Respondent has filed a notice of appeal to the Ninth Circuit from this Court’s March 31,
5 2011, judgment. Respondent also wishes to seek a stay of this Court’s release-or-retrial order
6 pending resolution of that appeal. The parties have met and conferred and propose the following:

7 (1) Respondent proposes to move for a stay of the release-or-retrial order pending appeal,
8 and the parties propose a briefing schedule on that stay motion as follows:

9 (a) On or before **May 13, 2011**: motion filed by Respondent.

10 (b) On or before **June 24, 2011**: opposition filed by Petitioner.

11 (2) The parties stipulate to a temporary stay of this Court’s release-or-retrial order; until
12 either **July 13, 2011**, or until this Court rules on Respondent’s motion for stay pending appeal,
13 whichever occurs earlier.

14 Dated: May 12, 2011

15 Respectfully submitted,
16 FARELLA BRAUN + MARTEL LLP
17 CLARENCE & DYER

18 By: /s/ Thomas B. Mayhew
19 Thomas B. Mayhew

20 Attorneys for Petitioner
21 MARVIN PETE WALKER

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California

By: /s/ Bruce Ortega
Bruce Ortega
Deputy Attorney General

Attorneys for Respondent
MICHAEL MARTEL


22
23 I attest that concurrence in the filing of the above stipulation has been obtained from
24 counsel for Petitioner Marvin Pete Walker.

25 Dated: May 12, 2011

26 By: /s/ Bruce Ortega
27 Bruce Ortega
28 Deputy Attorney General

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IT IS SO ORDERED.


SAUNDRA BROWN ARMSTRONG
United States District Judge

5/24/11

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 WALKER,

5 Plaintiff,

6 v.

7 MARTEL,

8 Defendant.

9 Case Number: CV94-01997 SBA

10 **CERTIFICATE OF SERVICE**

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on June 1, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18 California Appellate Project
19 California Appellate Project
20 Federal Court Docketing
21 101 Second Street
22 Suite 600
23 San Francisco, CA 94105

24 Dated: June 1, 2011

25 Richard W. Wieking, Clerk
26 By: LISA R CLARK, Deputy Clerk

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28 20451461.doc