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

10 JOSE ARNALDO RODRIGUES,)

11 Petitioner,)

No. C 96-1831 CW

12 v.)

ORDER

13 VINCE CULLEN, Acting Warden of California)
14 State Prison at San Quentin,)15 Respondent.)
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18 The Court has received and reviewed Petitioner's most recent status report regarding his
19 *Atkins* proceedings in the state courts. Petitioner informs the Court that his state habeas corpus
20 petition has been granted, with a finding that Petitioner is mentally retarded within the meaning
21 of *Atkins v. Virginia*, 536 U.S. 304 (2002) (holding that execution of the mentally retarded
22 violates the Eighth Amendment). As a result, the state court vacated Petitioner's sentence of
23 death and sentenced petitioner to life without the possibility of parole.


24 Because the state court decision does not fully resolve Petitioner's federal habeas
25 petition pending in this Court, Petitioner has requested a status conference. The Court finds that
26 a status conference is not necessary at this juncture of the proceedings.

27 Instead, Petitioner and Respondent are ORDERED to meet and confer, and to file joint
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1 or separate statements informing the Court what remains to be decided in this matter and how
2 the parties propose to proceed, within sixty days of the date of this order. If a status conference
3 is warranted, the Court will inform the parties.

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5 IT IS SO ORDERED.

6 DATED: 5/6/2010

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9 CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSE ARNALDO RODRIGUES,

Plaintiff,

v.

VINCE CULLEN, Acting Warden of
California State Prison at San Quentin,

Defendant.

Case Number: CV96-01831 CW

CERTIFICATE OF SERVICE

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 May 6, 2010, 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.

California Appellate Project
California Appellate Project
Federal Court Docketing
101 Second Street
Suite 600
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Habeas Corpus Resource Center
Habeas Corpus Resource Center
303 Second Street, Suite 400 South
San Francisco, CA 94107

Jose Arnaldo Rodrigues
CSP-Tamal
CA State Prison-San Quentin
Tamal, CA 94974

Dated: May 6, 2010

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk