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

MICHAEL ROBERT PULIDO,
Petitioner,

v.

ANTHONY HEDGPETH,
Respondent.

No. C 99-4933 CW
ORDER SETTING
BRIEFING SCHEDULE

The Ninth Circuit recently remanded this case in light of the Supreme Court's decision in Hedgpeth v. Pulido, ___ U.S. ___, 129 S. Ct. 530 (2008). The Supreme Court held that a harmless error standard governs this action. In light of the fact that the Court has already conducted a harmless error analysis under Brecht v. Abrahamson, 507 U.S. 619 (1993), the Court is inclined to reinstate its decision of March 24, 2005 (Docket No. 20, available at 2005 WL 6142229).

Within five days of the date of this order, Respondent shall file a brief of no more than five pages either identifying any binding case decided after March 24, 2005 that would require the Court to perform a new harmless error analysis, or stating that no such case exists. Within five days thereafter, Petitioner shall

1 file a response not exceeding five pages in length.

2 IT IS SO ORDERED.

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4 Dated: 4/10/09



CLAUDIA WILKEN
United States District Judge

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

4 PULIDO,

5 Plaintiff,

6 v.

7 LAMARK,

8 Defendant.

Case Number: CV99-04933 CW

CERTIFICATE OF SERVICE

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

11 That on April 10, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 J. Bradley O'Connell
16 First District Appellate Project
17 730 Harrison St Ste 201
18 San Francisco, CA 94107

19 Jeremy Friedlander
20 Office of the Attorney General
21 Department of Justice
22 455 Golden Gate Avenue
23 Suite 11000
24 San Francisco, CA 94102-7004

25 Michael Robert Pulido J14978
26 CSP-CorcoranIV
27 CA State Prison
28 P O Box 3471
Corcoran, CA 93212-8310

Dated: April 10, 2009

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk