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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL W. BRISENO,
Petitioner,

No. C 04-1458 PJH

JUDGMENT

v.

JEANNE S. WOODFORD, Director,
California Dept. of Corrections,
Respondent.

Pursuant to the order reopening and granting petitioner's federal habeas petition under 28 U.S.C. § 2254 signed today, judgment is entered in favor of petitioner and against respondent. As directed by the Ninth Circuit, the state shall either afford petitioner an opportunity to commence an appeal of his conviction on the merits set forth in the accompanying order without having first obtained a certificate of probable cause within ninety days of the date of this order or the state shall release him from custody.

IT IS SO ORDERED AND ADJUDGED.

Dated: January 14, 2011



PHYLLIS J. HAMILTON
United States District Judge