

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

STEVEN JAFFE,

Petitioner,

No. C 05-4439 PJH (PR)

vs.

**BRIEFING ORDER**EDMUND G. BROWN, JR., Governor,  
MATTHEW KRAMER, Warden,

Respondent.

This is a habeas corpus case filed pro se by a state prisoner pursuant to 28 U.S.C. § 2254. The court denied the petition and petitioner appealed. The United States Court of Appeals for the Ninth Circuit affirmed in part and reversed in part. The court of appeals perceived a Confrontation Clause claim in the petition that this court had not discussed. The circuit concluded that this claim was not exhausted, however, and remanded for this court to “determine in the first instance whether any California procedure remains available to Jaffe for raising [the confrontation claim],” and if so to “exercise its discretion to determine whether Jaffe’s petition should be stayed . . . .” Subsequently, on June 19, 2012, the court granted petitioner’s motion to appoint counsel.

As noted in the court’s June 14, 2012 order, in view of the terms of the remand, there are two issues that the parties must now address: (1) Whether any state procedure remains available that would allow petitioner to exhaust the Confrontation Clause claim in

1 the California courts; and (2) if such a procedure does exist, whether proceedings in this  
2 case should be stayed to allow petitioner to exhaust. Petitioner is ORDERED to file an  
3 opening brief addressing those issues no later than twenty-eight days from the date of this  
4 order. Respondent is ORDERED to file a response within fourteen days of the filing of  
5 petitioner's opening brief. Petitioner may file a reply, if any, within seven days of  
6 respondent's response.

7 **IT IS SO ORDERED.**

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9 Dated: June 20, 2012.



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PHYLLIS J. HAMILTON  
United States District Judge