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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

Clifford Stanley BOLDEN,
Petitioner,
v.
Kevin CHAPPELL,
Warden of San Quentin State Prison,
Respondent.

Case Number 4-9-cv-2365-PJH
DEATH-PENALTY CASE
ORDER REGARDING EXHAUSTION
AND PROCEDURAL MATTERS

The parties have submitted a Joint Statement and Stipulations of the Parties Regarding Exhaustion of Claims and Procedural Matters. (Doc. No. 44.) In light of the parties' submission, and good cause therefor appearing, the Court finds and concludes as follows regarding claims in the finalized Petition, (Doc. No. 31).

The following claims are exhausted: 1, 2, 3(B)(1)–(2)(c), 3(B)(3)–(6), 3(B)(7)(b), 4, 5, 6(A), 6(B)(1)–(2), 6(B)(4), 6(C), 7, 10, 11, 12, 13, 14, 15, 16, 19(A)–(B), 19(K)–(L), 19(P)–(S), and 19(U).

The following claims are unexhausted: 3(B)(2)(d), 3(B)(7)(a), 6(B)(3), 6(B)(5), 6(D), 8, 9, 17 (to the extent that it relies on other claims or subclaims that are unexhausted), 18, 19(C), 19(D–F) (Respondent waives exhaustion as to these subclaims only), 19(G)–(J), 19(M)–(O), 19(T), and 19(V).

1 The following claims are unexhausted and premature: 18, 19(M)–(N).

2 In addition, the Court adopts the parties' proposed schedule as follows.

3 Within thirty days of the present Order, Respondent shall move to dismiss the mixed
4 petition.

5 Within thirty days of the filing of Respondent's motion to dismiss, Petitioner shall file a
6 combined response to Respondent's motion and motion for a stay of the federal proceedings in
7 order to present the unexhausted claims to the state court.

8 Within fourteen days of the filing of Petitioner's response and motion, Respondent shall
9 file a combined reply regarding the motion to dismiss and response to the motion for a stay.

10 Within fourteen days of the filing of Respondent's reply and response, Petitioner shall
11 reply to the response to the motion for a stay.

12 Unless otherwise ordered, the Court will take the motions under submission upon receipt
13 of Petitioner's reply or the expiration of time to file the reply.

14 **IT IS SO ORDERED.**

15
16 DATED: May 31, 2013



PHYLLIS J. HAMILTON
United States District Judge