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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JOSEPH P. SHELTON,  
Petitioner,

No. C 10-01100 PJH

vs.

**BRIEFING ORDER**

JOHN C. MARSHALL, Warden,  
Respondent.

\_\_\_\_\_ /

This is a habeas case filed pro se by a state prisoner. He filed the case in the United States District Court for the Eastern District of California, which transferred it here on March 18, 2010. At the time the case was transferred here, a motion to appoint counsel was pending. Following transfer, on October 22, 2010, the court granted Shelton's motion to appoint counsel, noting that based on the Ninth Circuit's decisions regarding Shelton's codefendant, Benjamin Wai Silva, it appeared that Shelton's claims may have merit, and that establishing a factual basis for them may be difficult for an incarcerated layperson. The court declined to set further filing deadlines until appointed counsel had entered an appearance.

On November 18, 2010, William L. Osterhoudt was appointed as counsel for Shelton. Accordingly, the matter is ripe for further briefing.

**DISCUSSION**

**A. Legal Claims**

As noted in the court's October 22, 2010 order, Shelton raises the following claims: (1) his due process rights were violated by the prosecution's suppression of exculpatory evidence; and (2) his counsel's failure to adequately investigate to discover the withheld

