

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 **DANELL L. PRATT,**

4 Plaintiff,

5 v.

6 **B. GOWER,** Warden,

7 Defendant.  
8

Case No. 13-cv-01225-YGR

**ORDER REQUIRING SUPPLEMENTAL  
BRIEFING**

Re: Dkt. No. 1

9 Regarding Danell Pratt's Petition for Writ of Habeas Corpus (Dkt. No. 1), the parties shall  
10 file supplemental briefs of no more than eight (8) pages each by **June 5, 2015**, addressing the  
11 following issue:

12 In his petition for writ of habeas corpus in the Superior Court of California, the Petitioner  
13 raised four grounds for the relief sought: (1) ineffective assistance of counsel ("IAC") in  
14 connection with his counsel's opening statement; (2) IAC for failure to impeach prosecution  
15 witnesses; (3) IAC for failure to present third-party culpability evidence; and (4) complete denial  
16 of counsel. (Dkt. No. 24-2, Ex. I.) The Petitioner listed Grounds 1 and 2 within the appropriate  
17 boxes of the MC-275 petition for writ of habeas corpus state form. (*Id.*) The additional Grounds  
18 3 and 4 were listed separately in an attachment to the form. (*Id.*) The state court's order denying  
19 the petition specifically references the first two grounds, included on the form, but makes no  
20 mention of the last two, included on the attachment. (Dkt. No. 24-2, Ex. J.) In light of these  
21 unusual circumstances, suggesting the state court may have overlooked the grounds listed on the  
22 attachment to the petition form, the supplemental briefing shall address whether or not the Court  
23 should apply a de novo standard of review as to those unmentioned grounds. *See, e.g., Johnson v.*  
24 *Williams*, 133 S. Ct. 1088, 1091 (2013).

25 **IT IS SO ORDERED.**

26 Dated: May 20, 2015

27   
28 YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE