

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

THOMAS BARTON,

Petitioner,

-vs-

WARDEN, Southern Ohio
Correctional Facility,

Respondent.

:

Case No. 1:09-cv-353

:

District Judge S. Arthur Spiegel
Magistrate Judge Michael R. Merz

:

ORDER FOR ADDITIONAL BRIEFING

This case is before the Court on consideration of Respondent's Notice of Supplemental Authority (Doc. No. 37), calling the Court's attention to *Cullen v. Pinholster*, 563 U.S. ____, 2011 U.S. LEXIS 2616 (Apr. 4, 2011).

The Magistrate Judge agrees that his Decision and Order Granting in Part and Denying in Part Petitioner's Motion for Evidentiary Hearing (Doc. No. 29) requires reconsideration in light of *Cullen*. It is accordingly ordered that Petitioner file any memorandum he wishes the Court to consider on the impact of the *Cullen* decision not later than April 29, 2011. Respondent may reply not later than seven calendar days after Petitioner's memorandum is filed.

April 19, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge