

FILED

UNITED STATES COURT OF APPEALS

APR 11 2014

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LANNY SMITH,

Petitioner - Appellant,

v.

LAWRENCE WASDEN and BRENT
REINKE,

Respondents - Appellees.

No. 12-35275

D.C. No. 4:08-cv-00227-EJL
District of Idaho,
Pocatello

ORDER

Before: PREGERSON, MURGUIA, and CHRISTEN, Circuit Judges.

This case is remanded to the district court. The district court shall exercise its discretion to establish a briefing schedule allowing Petitioner-Appellant Smith a reasonable amount of time to complete review of the supplemental discovery provided by the State, and to file a supplement to his habeas petition, or to re-file an updated original habeas petition, and to allow for responsive briefing.

This panel will retain jurisdiction over any future appeal related to this petition.

It is so ordered.