

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ROBERT FREDERICK GARCEAU, <i>Petitioner-Appellant,</i> v. JEANNE S. WOODFORD, Warden, of San Quentin State Prison, <i>Respondent-Appellee.</i>

No. 99-99022
D.C. No.
CV F-95-5363
OWW
ORDER

On Remand from the United States Supreme Court

Argued and Submitted
March 24, 2004—San Francisco, California

Filed March 3, 2005

Before: Diarmuid F. O'Scannlain, A. Wallace Tashima, and
Sidney R. Thomas, Circuit Judges.

COUNSEL

Lynne S. Coffin, Coffin & Love, San Francisco, California,
for the petitioner-appellant.

Clayton S. Tanaka, Deputy Attorney General, Sacramento,
California, for the respondent-appellee.

ORDER

The Supreme Court reversed our prior judgment and remanded this case for us to determine the effect of the

Antiterrorism and Effective Death Penalty Act of 1996 on this case. *See Woodford v. Garceau*, 538 U.S. 202, 210 (2003). After supplemental briefing after remand, oral argument, and submission of the case for decision, petitioner Robert Frederick Garceau died on December 29, 2004.

Because petitioner's death renders this case moot, the petition for a writ of habeas corpus should be dismissed as moot. *See Griffey v. Lindsey*, 349 F.3d 1157 (9th Cir. 2003). This case is therefore remanded to the district court with instructions to dismiss the petition for a writ of habeas corpus.

REMANDED with instructions.

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