

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

JOHN LOUIS VISCIOTTI,  
*Petitioner-Appellee-  
Cross-Appellant,*

v.

JILL BROWN, Warden, of California  
State Prison at San Quentin,\*  
*Respondent-Appellant-  
Cross-Appellee.*

Nos. 99-99031  
99-99032

D.C. No.  
CV-97-04591-R  
Central District  
of California,  
Los Angeles

ORDER

ON REMAND FROM THE  
UNITED STATES SUPREME COURT

Filed May 9, 2005

Before: Harry Pregerson, A. Wallace Tashima, and  
Marsha S. Berzon, Circuit Judges.

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**ORDER**

Given the facts, the circumstances, and the record in this case, we deny Petitioner's Motion for Oral Argument on Post Remand Briefing and remand this case to the district court for further proceedings consistent with the decision of the United States Supreme Court in *Woodford v. Visciotti*, 537 U.S. 19 (2002). We express no opinion on any of the arguments offered by the parties in their post-remand briefing, as the

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\*Jill Brown is substituted for Jeanne Woodford, her predecessor as Warden of San Quentin State Prison. *See* Fed. R. App. P. 43(c)(2).

proper course would be for the district court to review and rule on the arguments in the first instance.

**IT IS SO ORDERED.**



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