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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Richard Kenneth Djerf,)	No. CV-02-358-PHX-JAT
Petitioner,)	<u>DEATH PENALTY CASE</u>
vs.)	
Charles L. Ryan, et al.,)	ORDER
Respondents.)	

On November 4, 2008, Petitioner appealed this Court’s judgment to the Ninth Circuit Court of Appeals, where it remains pending. (Dkt. 101.) Petitioner now moves for indication whether this Court would consider a motion for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. (Dkt. 104.) Respondents have not filed a response; rather, they request that this Court postpone a response until new state post-conviction proceedings initiated by Petitioner are finally concluded. (Dkt. 110.)

Based upon review of the relevant pleadings, this Court declines to entertain the lodged Rule 60(b) motion. The Court further determines that judicial economy weighs against any further postponement of this matter.

Accordingly,

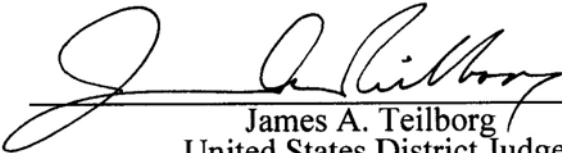
IT IS THEREFORE ORDERED that Petitioner’s Request for Indication Whether Court Would Consider Motion for Relief from Judgment Pursuant to Rule 60(b) is **DENIED**. (Dkt. 104.)

IT IS FURTHER ORDERED that Respondents request for an extension of time to

1 submit its response to Petitioner's request for indication is **DENIED AS MOOT**. (Dkt. 110.)

2 DATED this 6th day of July, 2009.

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James A. Teilborg
United States District Judge