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

Michael Ray White,)	No. CV 08-8139-PCT-GMS
)	
Petitioner,)	<u>DEATH PENALTY CASE</u>
)	
v.)	ORDER
)	
Charles L. Ryan, et al.,)	
)	
Respondents.)	
)	

On September 28, 2010, the Court held a status conference in this matter. Ken Murray and Robin Konrad, Assistant Federal Public Defenders, appeared on behalf of Petitioner. Lacey Stover Gard, Assistant Arizona Attorney General, appeared on behalf of Respondents. At the conference, the parties stipulated that Petitioner is presently incompetent to assist habeas counsel pursuant to *Rohan ex rel. Gates v. Woodford*, 334 F.3d 803 (2003). Accordingly,

IT IS HEREBY ORDERED that Petitioner’s habeas proceeding is **STAYED** pending further order of the Court.

IT IS FURTHER ORDERED that the competency hearing set for October 27-28, 2010 is **VACATED**.

IT IS FURTHER ORDERED that no later than **October 8, 2010**, the parties shall file a Joint Report Re: Competency Restoration setting forth each party’s proposed course

1 of action for this litigation in light of the Court's finding of incompetency, including the
2 availability of placement in the Arizona State Hospital.

3 DATED this 29th day of September, 2010.

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6 _____
7 G. Murray Snow
8 United States District Judge
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