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

Michael Ray White,
Petitioner,

v.

Charles L. Ryan, et al.,
Respondents.

) No. CV 08-8139-PCT-GMS

) DEATH PENALTY CASE

) **ORDER**

Pursuant to the Court’s order directing the Arizona State Hospital to evaluate Petitioner and prepare a competency restoration treatment plan, Dr. Edward Jasinski reported that administration of antipsychotic medication will be necessary to restore Petitioner’s competency to rationally communicate with habeas counsel. (Doc. 201.) However, Dr. Jasinski indicates that Petitioner will not voluntarily take such medication. (*Id.* at 9.) The Court discussed the issue of forcible medication at a status conference held on February 17, 2011. Pursuant to that discussion, the Court enters the following schedule:

- No later than **March 21, 2011**, Petitioner shall file a brief addressing generally whether there are any circumstances under which forcible medication of an incompetent capital habeas petitioner may be constitutionally permitted. Respondents shall file a response by **April 22**, and Petitioner may file a reply by **May 6**.
- No later than **May 15, 2011**, Petitioner shall file a brief addressing application of the four factors set forth in *Sell v. United States*, 539 U.S. 166 (2003), to the facts in this case.

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Respondents shall file a response by **June 30**, and Petitioner may file a reply by **July 15**.

- A hearing on the issue of forcible medication will be held on **July 21, 2011, at 9:00 a.m. in Courtroom 602**. If either party intends to present evidence at the hearing, a list of witnesses and a brief narrative of their testimony shall be filed by **July 15**. Similarly, the parties shall provide to the Court no later than **July 15** a copy of any exhibit to be utilized at the hearing.

DATED this 18th day of February, 2011.



G. Murray Snow
United States District Judge