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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ERNEST DEWAYNE JONES,
Petitioner,
v.
KEVIN CAPPELL, Warden
of California State
Prison at San Quentin,
Respondent.

CASE NO. CV 09-02158 CJC
DEATH PENALTY CASE
ORDER DIRECTING
PETITIONER TO FILE
AMENDMENT TO PETITION

This Court believes petitioner may have a viable claim for habeas relief based on the long delay in the execution of his death sentence as a result of the extremely protracted nature of post-conviction proceedings in state and federal court in his case, coupled with the grave uncertainty of not knowing whether his execution will ever, in fact, be carried out. See, e.g., Gomez v. Fierro, 519 U.S. 918, 918-19 (1996) (Stevens, J., dissenting); Ceja v. Stewart, 134 F.3d 1368, 1369-78 (9th Cir.) (Fletcher, J., dissenting), cert. denied, 522 U.S. 1085 (1998).

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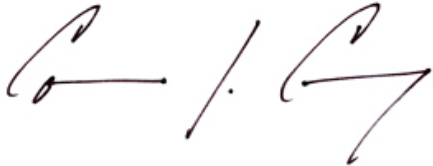
THEREFORE, THE COURT ORDERS:

1. Within 14 days of the filing date of this Order, petitioner shall serve and file an amendment to his operative petition for writ of habeas corpus alleging a claim that the long delay in execution of sentence in his case, coupled with the grave uncertainty of not knowing whether his execution will ever, in fact, be carried out, renders his death sentence unconstitutional.

2. In the briefing contemplated by this Court's Order of April 10, 2014, the parties shall address, in addition to the issues raised in that order, whether petitioner's new claim states a viable basis for granting habeas corpus relief.

IT IS SO ORDERED.

Dated: April 14, 2014.



Cormac J. Carney
UNITED STATES DISTRICT JUDGE