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UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

Ernest Dewayne Jones,
 Petitioner,
 v.
 Robert K. Wong, Acting Warden of
 California State Prison at San Quentin,
 Respondent

Case No. CV-09-2158-CJC
 DEATH PENALTY CASE
 JOINT STIPULATION RE:
 BRIEFING SCHEDULE

1 Pursuant to this Court's March 17, 2010 Order, the parties submit this joint
2 briefing schedule.

3 **1. Petition for Writ of Habeas Corpus**

4 On March 10, 2010, Petitioner filed a Petition for Writ of Habeas Corpus by a
5 Prisoner in State Custody pursuant to 28 U.S.C § 2254.

6 On March 11, 2010, petitioner filed a Petition for Writ of Habeas Corpus with
7 the California Supreme Court that contained identical claims to those filed in the
8 federal petition. On March 11, 2010, Petitioner also filed an Application to Defer
9 Informal Briefing on the Petition for Writ of Habeas Corpus, requesting the California
10 Court to defer any informal briefing, were it to be requested, to permit the parties to
11 first resolve any dispute as to whether or not all claims in the federal petition were
12 properly exhausted. On March 26, 2010, Respondent filed a Response to Application
13 to Defer Informal Briefing on Petition for Writ of Habeas Corpus, stating that he had
14 examined the federal petition and determined that all claims therein appeared to be
15 exhausted. Accordingly, based on respondent's concession that the claims contained
16 in the federal petition have been fairly presented to the California Supreme Court in
17 the direct appeal and the previous petitions for writ of habeas corpus, on April 5, 2010,
18 Petitioner requested permission from the California Supreme Court to withdraw the
19 state petition filed March 11, 2010.

20 **2. Warden's Answer**

21 Respondent Wong filed his Answer on April 6, 2010. Respondent has examined
22 the Petition and has determined that all claims therein appear to be exhausted.
23 Therefore, Respondent did not raise exhaustion as an affirmative defense in its
24 Answer.

25 **3. Traverse**

26 The parties agree that Petitioner will file a Traverse to Respondent's Answer no
27 later than thirty (30) days after the filing of the Answer. Therefore, the Traverse is to
28 be filed on or before May 6, 2010. Should Petitioner choose not to file a Traverse, the

1 parties stipulate that no issues will be deemed waived and may be raised in subsequent
2 briefing.

3 **4. Status Conference**

4 Pursuant to this Court's Civil Minutes dated July 17, 2009, a status conference
5 has been set for June 21, 2010 at 3:30 pm. Since the parties have set forth the manner
6 in which this case should proceed in the instant Joint Stipulation, the parties agree that
7 the status conference set for June 21, 2010, no longer appears to be necessary and
8 should be taken off calendar.

9 **5. Discovery**

10 The parties agree to meet and confer regarding discovery prior to the filing of
11 Petitioner's Motion for Evidentiary Hearing.

12 **6. Motion for Evidentiary Hearing**

13 The parties agree that Petitioner will file a Motion for Evidentiary Hearing no
14 later than one hundred and twenty (120) days after the filing of the Traverse. The
15 parties further agree that Respondent's Opposition to the Motion for Evidentiary
16 Hearing will be filed no later than sixty (60) days after the filing of Petitioner's
17 motion. Petitioner's Reply to Respondent's Opposition to the Motion for Evidentiary
18 hearing will be filed no later than sixty (60) days after the filing of Respondent's
19 Opposition.

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1 **7. Further Proceedings**

2 The parties stipulate that either party may, based on good cause, request to
3 extend the deadline for filing any of the above referenced pleadings.

4 Dated: April 6, 2010

Respectfully submitted,

5 HABEAS CORPUS RESOURCE CENTER

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7
8 /s/ Michael Laurence

By: Michael Laurence

9 Attorneys for Ernest Dewayne Jones

10
11 Dated: April 8, 2010

ATTORNEY GENERAL OF THE STATE OF
12 CALIFORNIA

13
14 /s/ Herbert S. Tetef

By: HERBERT S. TETEF

15 Deputy Attorney General

16 Attorneys for Respondent