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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 ERNEST DEWAYNE JONES,) CASE NO. CV 09-02158 CJC
12)
12 Petitioner,) **DEATH PENALTY CASE**
13)
13 v.) ORDER DENYING MOTION
14) FOR MORE DEFINITE
14 VINCE CULLEN, Acting Warden) STATEMENT AND DIRECTING
15 of California State Prison) THE FILING OF STIPULATION AND
15 at San Quintin,) PHASE III BUDGET
16)
16 Respondent.)
17)
17 _____)

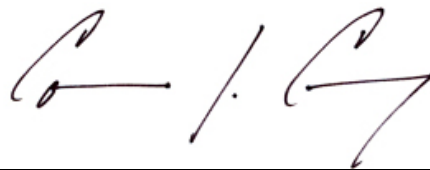
18 Petitioner's motion for a more definite statement is **DENIED**.
19 Respondent's Answer meets the requirements of Rule 5(b) of the Rules
20 Governing Section 2254 Cases, and no relief is necessary pursuant to
21 Federal Rule of Civil Procedure 12(e). Respondent's Answer is 74
22 pages long, providing a description of the proceedings below and
23 affirmative defenses, as well as a response to each of Petitioner's
24 30 claims, including each claim's procedural history and a denial of
25 the claims or denial of knowledge to admit or deny the allegations.
26 Respondent's Answer is not so vague and ambiguous that Petitioner
27 cannot uncover the disputed issues and respond.

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1 Petitioner has thirty (30) days from the date of this order to
2 file a Traverse should he elect to file one. The parties also shall
3 file within thirty (30) days of this order a stipulation setting forth
4 a proposed briefing schedule for Petitioner's motion for an
5 evidentiary hearing. The proposed briefing schedule should
6 accommodate any discovery the parties intend to conduct prior to the
7 filing of Petitioner's evidentiary motion. Finally, Petitioner shall
8 file under seal within thirty (30) days of this order his Proposed
9 Phase III Plan and Budget.

10 IT IS SO ORDERED.

11 Dated: June 8, 2010

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15 CORMAC J. CARNEY
16 United States District Judge
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