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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

RONALD AVERY McPETERS,  
  
                  Petitioner,  
  
          v.  
  
KEVIN CHAPPELL, Warden of California  
State Prison at San Quentin,  
  
                  Respondent.

Case No. 1:95-cv-05108-LJO-SAB  
  
DEATH PENALTY CASE  
  
ORDER (1) CONTINUING EVIDENTIARY  
HEARING, (2) MODIFYING SCHEDULE  
FOR PRE-HEARING EVENTS, and (3)  
DIRECTING PARTIES TO FILE STATUS  
REPORTS  
  
Continued Hearing:  
  
Date: July 21, 2016  
Time: 9:00 a.m.  
Courtroom: 9  
Judge: Hon. Stanley A. Boone

Before the Court is the parties' June 5, 2015 joint status report (ECF No. 299), which relates to the filing of a June 5, 2015 state habeas petition alleging as Claim One that Petitioner is ineligible for the death penalty under Ford v. Wainwright, 477 U.S. 399 (1986). The state petition also alleges as Claims Two and Three entitlement to relief for false evidence under California Penal Code § 1473(e)(1).

The Court has reviewed the joint statement and its attachments and the record in this matter.

1 For good cause shown, it is HEREBY ORDERED that:

- 2 1. The January 16, 2015 scheduling order for continued evidentiary hearing (ECF  
3 No. 292), as modified (ECF Nos. 294, 296), is further modified as follows:
- 4 a. The evidentiary hearing set for September 10, 2015 at 9:00 a.m. in  
5 Department 9 is CONTINUED to June 21, 2016 at 9:00 a.m. in  
6 Department 9;
  - 7 b. The deadline for the parties to provide Rule 26(a)(2) expert testimony and  
8 reports, and lay witness lists, and to request Petitioner's attendance at  
9 hearing is CONTINUED from June 26, 2015 to March 31 2016;
  - 10 c. The deadline for disclosure of rebuttal expert witness testimony and  
11 related reports, and filing of discovery motions is CONTINUED from July  
12 23, 2015 to May 6, 2016;
  - 13 d. The deadline for the parties to serve the final witness and exhibit lists  
14 pursuant to Rule 26(a)(3), and to file copies of exhibits not previously  
15 filed in this matter is CONTINUED from August 21, 2015 to May 27,  
16 2016;
  - 17 e. The deadline for the parties to deliver exhibit binders is CONTINUED  
18 from August 28, 2015 to June 3, 2016;
  - 19 f. The deadline for filing in limine motions, supplemental joint pre-hearing  
20 statement and proposed findings of fact and conclusions of law is  
21 CONTINUED from September 3, 2015 to June 10, 2016; and
  - 22 g. In all other regards the January 16, 2015 scheduling order for continued  
23 evidentiary hearing shall continue in full force and effect.
- 24 2. Counsel shall file joint status reports, apprising the Court of any developments in  
25 the state habeas proceeding, on October 1, 2015, unless the California Supreme  
26 Court decides the matter earlier.
- 27 3. Counsel also shall file a joint notice and status report of any decision by the  
28 California Supreme Court on the June 5, 2015 state habeas petition, within fifteen

(15) days of issuance, the Court may then schedule a status conference.

IT IS SO ORDERED.

Dated: June 10, 2015



UNITED STATES MAGISTRATE JUDGE

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