

1 State Prison (the “Warden:”) as well as the Kern County Sheriff-Coroner to clarify Mr. Schlesinger’s role
2 and authority .

3 The Court does not anticipate that Mr. Schlesinger’s activities will impact the schedule for the
4 continued litigation of Claim 19, and orders the depositions of David Armendariz and George Peterson
5 to proceed as scheduled. Mr. Schlesinger will file a confidential status report to apprise the Court of his
6 progress in examining the potential conflict between Berryman and appointed counsel within the time
7 agreed upon at the December 17, 2008 hearing. The Court has determined that no further notice to the
8 Warden is necessary or appropriate at this time. In the event future potential actions necessitate notice
9 to the Warden and opportunity to be heard, the Court will provide such notice and opportunity.

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11 IT IS SO ORDERED.

12 DATE: January 6, 2009

/s/ Anthony W. Ishii
Anthony W. Ishii
United States District Judge

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