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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

RODNEY BERRYMAN, Sr.,)	Case No. 1:95-cv-05309-AWI
)	
Petitioner,)	<u>DEATH PENALTY CASE</u>
)	
vs.)	
)	ORDER SETTING BRIEFING SCHEDULE
ROBERT WONG, as Acting Warden of)	FOR CLAIM 18
San Quentin State Prison,)	
)	HEARING DATE: February 18, 2009
Respondent)	TIME: 2:00 p.m.

This matter came on for a telephonic hearing before the above entitled Court, the Honorable Anthony W. Ishii, presiding. The purpose of the hearing was to establish a final briefing schedule for Claim 18 of the petition. Petitioner Rodney Berryman, Sr. (“Berryman”) was represented by his one of his appointed counsel of record, Charles M. Bonneau. Berryman’s appointed co-counsel, Jessie Morris, Jr., was unable to be present due to a family medical issue. Respondent Robert Wong, as Acting Warden of San Quentin State Prison (the “Warden”) was represented by Deputy Attorney General Brian M. Means. Also present at the hearing was independent counsel appointed specially for Berryman, Assistant Federal Defender Joseph Schlesinger.

The parties agree that Berryman will file his points and authorities in support of Claim 18 on or before April 1, 2009. This will include the submission of any evidence Berryman wishes the Court to consider in rendering a decision on the merits of Claim 18. Although Mr. Bonneau indicated that he believed the relevant deposition transcripts had been filed with the Court, they have not been so filed.

1 The Warden's opposition points and authorities will be due on or before April 15, 2009. Berryman's
2 reply points and authorities will be due on or before April 29, 2009. Thereafter the Court will take the
3 matter under submission and render a decision.

4 IT IS SO ORDERED.

5 DATE: February 18, 2009

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

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