

1 federal habeas corpus proceeding before this Court. After reviewing the evidence presented by the
2 parties and considering the notice of non-opposition filed by the Warden, the Court granted Holt's
3 motion on November 21, 2008 (doc. 199). In the *Gates* stay order, the parties were directed to report to
4 the Court every two years about the status of Holt's mental state.

5 The most recent docket entry in the state *Atkins* petition is a notice of lodging of this Court's
6 November 21, 2008 *Gates* stay order. The notice of lodging was filed on January 29, 2009. Prior to this
7 notice of lodging, the state court issued an order denying Holt's application to stay state proceedings on
8 the grounds of his current incompetence. That order was issued by the state court on August 10, 2005.
9 No action on the case has been taken by the state court since August 2005.

10 In light of the Court's order staying federal proceedings until Holt regains his competence to
11 proceed with the case, Holt's request to amend the directive updating the Court on the status of the state
12 court proceedings IS GRANTED. Rather than filing quarterly status reports concerning state court
13 proceedings, Holt is directed to file a report within 5 days of any action taken by the California Supreme
14 Court.

15 IT IS SO ORDERED.

16 Dated: February 11, 2009

17 /s/ Anthony W. Ishii
18 Anthony W. Ishii
19 United States District Judge
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