1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 12 PAUL C. BOLIN, 1:99-CV-05279-LJO 13 Petitioner, **ORDER GRANTING RESPONDENT'S** 14 MOTION FOR PRE-HEARING **DISCOVERY** v. 15 **DATE:** December 3, 2012, VACATED 16 VINCENT CULLEN, Acting Warden of San **Quentin State Prison, COURTOOM 4** 17 Respondent. 18 19 20 On November 16, 2012, Respondent filed a Motion for Pre-Hearing Discovery Pursuant to 21 Section 1.b. of the October 9, 2012 Scheduling Order for Evidentiary Hearing. (Doc. 295.) On 22 November 26, 2012, Petitioner filed a Response to Respondent's Motion for Pre-Hearing 23 Discovery. (Doc. 300.) Petitioner does not object to Respondent's request to depose Charles 24 Soria and William Cater. Nor does Petitioner object to issuance of subpoenas duces tecum to 25 attorneys Soria and Cater directing that they produce any and all records, papers, documents, files 26 and notes in their possession relevant to litigation of Claim C2, if any, at the time and place of 27 their depositions.

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Accordingly, Respondent's Motion for Pre-Hearing Discovery is granted. Respondent shall pay Petitioner's attorney, Robert D. Bacon, for his travel expenses, subsistence expenses, and fees to attend the depositions of Messrs. Cater and Soria. The hearing on this matter set for December 3, 2012, is vacated. IT IS SO ORDERED. Date: November 29, 2012 /s/ Lawrence J. O'Neill LAWRENCE J. O'NEILL United States District Judge