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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL COREY SLAUGHTER,

 Petitioner,

 v.

KEVIN CHAPPELL, Warden of San Quentin
State Prison,

 Respondent.

Case No. 1:05-cv-00922-AWI-SAB
DEATH PENALTY CASE
ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE

This matter came on for a telephonic case management conference on May 26, 2015, at 1:30 p.m., in the above-entitled Court, the Honorable Stanley A. Boone presiding. Counsel Jennifer Mann appeared for Petitioner and counsel Ryan McCarroll appeared for Respondent. The purpose of the conference was to discuss further scheduling.

Following review of the parties' joint statement (ECF No. 106), and discussions with counsel, the Court determined that the best course of action in this matter is to schedule merits briefing including requests for factual development, provided the Court will address merits prior to procedural defenses and retroactivity under Teague v. Lane, 489 U.S. 288 (1989).

Accordingly, it is HEREBY ORDERED that:

1. On or before October 3, 2016, Petitioner shall file a memorandum of points and authorities which substantively addresses full scope merits

1 briefing under 28 U.S.C. § 2254 in support of each claim in the second
2 amended petition, including applicable 28 U.S.C. § 2254(d) standard(s)
3 and the impact of the Supreme Court’s decision in Cullen v. Pinholster,
4 131 S. Ct. 1388 (2011).

- 5 2. On or before April 3, 2017, Respondent shall file a memorandum of points
6 and authorities in opposition. As discussed during the May 26 conference,
7 that opposition shall include Respondent’s assertion that some claims are
8 barred by the procedural default doctrine and/or retroactivity under
9 Teague.
- 10 3. On or before October 2, 2017, Petitioner shall file any reply memorandum
11 of points and authorities.
- 12 4. On or before January 16, 2018, Petitioner shall file any motion for
13 discovery, expansion of the record, and/or evidentiary hearing.
- 14 5. On or before March 19, 2018, Respondent shall file any opposition to
15 Petitioner’s motion for discovery, expansion of the record and/or
16 evidentiary hearing.
- 17 6. On or before May 4, 2018, Petitioner shall file any reply to Respondent’s
18 opposition.

19 IT IS SO ORDERED.

20 Dated: May 27, 2015

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23 UNITED STATES MAGISTRATE JUDGE
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