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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BRIAN W. THOMAS,)	1:05-CV-1198 LJO JMD HC
Petitioner,)	ORDER DIRECTING PARTIES TO SUBMIT
v.)	JOINT PRE-HEARING STATEMENT
MATTHEW CATE,)	
Respondent.)	

Petitioner proceeds with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. *Inter alia*, Petitioner contends that application of article V, section 8(b) of the California Constitution to him violates his rights under the Ex Post Facto Clause of the United States Constitution. On March 19, 2009, the Court scheduled an evidentiary hearing in order to permit Petitioner to present evidence that article V, section 8(b) of the California Constitution creates a significant risk of prolonging Petitioner's incarceration and therefore violates Petitioner's rights under the Ex Post Facto Clause of the United States Constitution. See Doc. No. 27.

On July 21, 2009, the Court granted Petitioner's request for leave to propound discovery pursuant to Rule 6 of the Rules Governing Section 2254 Cases. See Doc. No. 38. Petitioner filed a motion seeking additional discovery on July 30, 2010; Petitioner subsequently withdrew this request. See Docs.

1 No. 76, 80. Discovery is now complete.

2 In order to facilitate scheduling of the evidentiary hearing in this matter, the parties shall file a
3 joint pre-hearing statement that identifies the following:

- 4 (1) the factual issues to be resolved at the evidentiary hearing;
- 5 (2) a statement of disputed and undisputed facts;
- 6 (3) the documents or exhibits the parties intend on offering, including joint exhibits;
- 7 (4) any stipulations or admissions about facts and documents;
- 8 (5) the names of each witness the parties anticipate presenting and a brief description of what
9 each witness will establish;
- 10 (6) a list of the witnesses that will need to be subpoenaed and a timetable for facilitating the
11 transfer of any witnesses that are currently incarcerated;
- 12 (7) any evidentiary problems that may be expected to arise;
- 13 (8) any other stipulation that would facilitate the just and speedy disposition of this matter;
14 and
- 15 (9) an estimate on the length of time the parties anticipate the hearing will take.

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18 IT IS SO ORDERED.

19 **Dated: January 10, 2011**

/s/ John M. Dixon
UNITED STATES MAGISTRATE JUDGE

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