

1 Scheduling Order (doc. 111), filed November 18, 2013, established a schedule for the briefing of the
2 merits and further evidentiary development of Dickey's guilt phase claims.

3 If the Court files a favorable ruling on Dickey's request for an evidentiary hearing with regards
4 to any of his guilt phase claims, the case will move into Phase IV. Granting relief following the
5 evidentiary hearing will terminate the case, but denying relief will return the case back to Phase III for
6 merits and evidentiary development briefing on penalty phase issues. During the present Phase III, if
7 the Court files an unfavorable ruling on the merits of all of Dickey's guilt phase claims, the matter will
8 remain in Phase III for a further round of briefing on the penalty phase claims. Again if the Court files
9 a favorable ruling on Dickey's request for an evidentiary hearing on any of his penalty phase claims,
10 the matter will move to Phase IV, where it will remain until all issues are resolved.

11 Other than the clarification that the case is in Phase III under case management principles and
12 the manner in which the Court will resolve the claims in the petition, there is no change in the briefing
13 schedule established by the November 18, 2013 order.² That is Dickey's merits brief and request for
14 factual development is due by April 16, 2014, the Warden's opposition brief is due by September 8,
15 2014, and Dickey's reply is due by November 7, 2014.

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17 IT IS SO ORDERED.

18 Dated: March 21, 2014

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

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26 ² In light of the inconclusive culmination of Phase III, the Court will need to amend the current
27 budget under which Dickey's litigation team is working. Those proceedings will be conducted under
28 seal.