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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 COLIN RAKER DICKEY,

11 Petitioner,

12 v.

13 RON DAVIS, Warden of San Quentin State  
14 Prison,

15 Respondent.  
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Case No. 1:06-cv-00357-AWI-SAB

DEATH PENALTY CASE

ORDER REGARDING CASE  
MANAGEMENT CONFERENCE

Case Management Conference:

Date: February 17, 2017

Time: 10:00 a.m.

Courtroom: 9

Judge: Stanley A. Boone

18 This matter is before the court following its January 13, 2017 order i) denying  
19 petitioner's request to strike the second amended answer, ii) denying petitioner's request for  
20 factual development, iii) denying guilt phase claims, and iv) setting a February 17, 2017 case  
21 management conference.

22 By this order the court provides direction to the parties for the upcoming case  
23 management conference.

24 Accordingly,

- 25 1. The case management conference relates to phase III proceedings on the  
26 bifurcated penalty claims and ex parte budgetary discussions with petitioner's  
27 counsel. The parties may appear by teleconference. Counsel are directed to  
28 contact the court's Courtroom Deputy Clerk, Ms. Mamie Hernandez, to advise

1 that they will be appearing telephonically and to obtain the teleconference number  
2 and pass code.

3 2. Counsel for both parties shall be prepared to discuss scheduling of merits briefing  
4 of the penalty phase claims and related issues, provided that i) the court will not  
5 entertain request(s) for summary judgment, ii) motions for evidentiary  
6 development may be filed only after the court rules on the merits of the penalty  
7 claims and according any schedule then provided by the court, and iii) the merits  
8 of the claims alleged in the petition will be addressed prior to procedural and  
9 *Teague* defenses.

10 3. At the conclusion of the case management conference, respondent's counsel will  
11 be excused and the conference will continue ex parte with counsel for petitioner  
12 present to discuss budgeting matters. Petitioner's counsel shall prepare a  
13 proposed budget amendment for the remainder of phase III litigation, using the  
14 Capital Habeas Funding Application available from Ms. Kristine Fox, 9th Circuit  
15 CJA Case Managing Attorney, kfox@ce9.uscourts.gov, and submit the proposed  
16 budget amendment to the court under seal by e-mailing it to the court's Approved  
17 Sealed@ e-mail address, ApprovedSealed@caed.uscourts.gov, at least one week  
18 before the February 17, 2017 case management conference.

19 IT IS SO ORDERED.

20 Dated: February 2, 2017

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23 UNITED STATES MAGISTRATE JUDGE  
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