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7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA

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10 RODNEY JESSE SAN NICOLAS,

11 Petitioner,

12 v.

13 KEVIN CHAPPELL, as Warden of San  
14 Quentin State Prison,

15 Respondent.  
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Case No. 1:06-cv-00942-LJO-SAB

DEATH PENALTY CASE

SCHEDULING ORDER FOLLOWING CASE  
MANAGEMENT CONFERENCE

18 This matter came on for a telephonic case management conference on September 22,  
19 2015, at 10:00 a.m., in the above-entitled Court, the Honorable Stanley A. Boone presiding.  
20 Counsel Wesley Van Winkle and Harry Simon appeared for Petitioner and counsel Angelo  
21 Edralin appeared for Respondent. The purpose of the conference was to discuss further  
22 scheduling with all counsel and to discuss the CJA budget ex parte with counsel for Petitioner.

23 Following review of the parties' August 21, 2015 joint statement regarding scheduling  
24 (ECF No. 152), and discussions with counsel, the Court found the schedule proposed by the  
25 parties in their joint statement to be reasonable, provided that any request for continuance will be  
26 viewed with extreme disfavor, and further provided that the Court will address the merits prior to  
27 procedural defenses and retroactivity under Teague v. Lane, 489 U.S. 288 (1989).  
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1 Accordingly, it is HEREBY ORDERED that:

- 2 1. On or before Thursday, December 22, 2016, Petitioner shall file a memorandum  
3 of points and authorities addressing 28 U.S.C. § 2254(d) in support of each claim  
4 in the amended petition and sealed claim 1.
- 5 2. On or before Monday, September 18, 2017, Respondent shall file a memorandum  
6 of points and authorities in opposition.
- 7 3. On or before Tuesday, January 16, 2018, Petitioner shall file any reply  
8 memorandum of points and authorities.
- 9 4. On or before Monday, April 16, 2018, Petitioner shall file any motion(s) for  
10 discovery, expansion of the record, and/or evidentiary hearing.
- 11 5. On or before Monday, June 15, 2018, Respondent shall file any opposition to  
12 Petitioner's motion(s).
- 13 6. On or before Tuesday, August 14, 2018, Petitioner shall file any reply to  
14 Respondent's opposition to the motion(s).
- 15 7. To maintain the integrity of sealed claim 1, all pleadings addressing sealed claim  
16 1 should be filed under seal (but served on opposing counsel).
- 17 8. A separate order under seal will follow regarding the September 22, 2015 ex parte  
18 budget discussions with Petitioner's counsel.

19  
20 IT IS SO ORDERED.

21 Dated: September 23, 2015

  
22 UNITED STATES MAGISTRATE JUDGE