

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JAMES RAY BROWN,  
Petitioner  
v.  
JAMES A. YATES,  
Respondent

Case No. 1:10-cv-00219-LJO-SAB (HC)

**ORDER GRANTING PETITIONER'S  
SECOND REQUEST TO CONTINUE  
EVIDENTIARY HEARING SCHEDULE**

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S. § 2254. Petitioner is represented in this action by and Lisa M. Sciandra, Esq., and Assistant Federal Defender Jerome Price, Esq., of the Office of the Federal Defender. Respondent is represented in this action by Deputy Attorney General Justain Riley, Esq., of the Office of the California Attorney General.

On December 17, 2014, a status conference hearing was held to discuss any discovery-related matters, schedule an evidentiary hearing, and address any issues pertaining thereto. (ECF No. 43). On December 18, 2014, the Court issued a scheduling order setting an evidentiary hearing and related briefing schedule. (ECF No. 44). On February 20, 2015, Petitioner filed a motion requesting a 60-day continuance of the evidentiary hearing schedule in this matter. (ECF No. 45). After considering the Petitioner's request, the Court granted a 45-day continuance of the briefing and evidentiary hearing schedule in this matter, and set the evidentiary hearing for

1 June 8, 2015, at 9:00 a.m., before the undersigned. (ECF No. 46).

2 On April 10, 2015, a conference call was held to discuss the evidentiary hearing schedule  
3 and Respondent's request for discovery. Ms. Sciandra and Mr. Price appeared telephonically on  
4 behalf of Petitioner and Mr. Riley appeared telephonically on behalf of Respondent. The Court  
5 again notes that as the Court reserves its time to hear this case and denies others the ability to  
6 present their cases during that time, the parties are advised that no further extensions will be  
7 entertained absent a showing of extraordinary circumstances. Any future requests must be met  
8 with good cause and be made as soon as practical.

9 Accordingly, good cause having been presented to the Court, it is hereby ORDERED  
10 that:

- 11 1. The Court vacates the evidentiary hearing set for June 8, 2015 at 9:00 a.m., and the  
12 associated briefing schedule set forth in the Court's February 24, 2015, order;
- 13 2. Petitioner is directed to file his witness and exhibit lists and opening brief including  
14 proffers of witnesses on or before June 12, 2015;
- 15 3. Respondent is directed to file his witness and exhibit lists and responsive brief  
16 including proffers of witnesses on or before July 17, 2015;
- 17 4. Petitioner may file any rebuttal witness and exhibit lists and any responsive briefing  
18 on or before July 31, 2015; and
- 19 5. The evidentiary hearing will be held on August 28, 2015, at 8:30 a.m., before the  
20 undersigned.

21 IT IS SO ORDERED.

22 Dated: April 13, 2015



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24 UNITED STATES MAGISTRATE JUDGE  
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