

1 DANIEL J. BRODERICK, Bar #89424
 Federal Defender
 2 ALLISON CLAIRE, Bar #170138
 Assistant Federal Public Defender
 3 801 I Street, 3rd Floor
 Sacramento, California 95814
 4 Telephone: (916) 498-6666
 Email: allison_claire@fd.org
 5

6 TIMOTHY JOSEPH BROSNAN, Bar #75938
 1116 Guerrero Street
 7 San Francisco, CA 94110
 (415) 285-5417
 8 Email: brosnant@pacbell.net

9 Attorneys for Petitioner,
 JOHN MICHAEL BEAMES
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11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 JOHN MICHAEL BEAMES,
 14 Petitioner,

15 vs.

16 WARDEN of the California State Prison
 17 at San Quentin,
 18 Respondent.

) No. 1:10-CV-1429 AWI

) **DEATH PENALTY CASE**

) **AMENDED SCHEDULING ORDER**
) **REGARDING BRIEFING OF EXHAUSTION**
) **ISSUES**

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 20 The scheduling order filed October 4, 2011 (Document 41) is hereby amended as follows:

21 1. The parties shall brief the exhaustion status of Claim 11 as previously ordered –
 22 Respondent shall file his opening brief on or before October 31, 2011; Petitioner shall file his
 23 responsive brief on or before November 14, 2011; and Respondent shall file a reply brief on or
 24 before November 21, 2011;

25 2. Within 30 days of the submission of the Claim 11 exhaustion briefs, the parties shall
 26 meet and confer and shall submit a joint statement setting forth the positions of the parties
 27 regarding the exhaustion status of all other claims. If the parties disagree about the exhaustion
 28 status of any claims, the joint statement shall include a proposed schedule for briefing of the

1 dispute;

2 3. Petitioner shall file an Opening Brief on the merits of Claim 11, including points and
3 authorities in support of the Claim and discussion of 28 U.S.C. § 2254(d), ninety (90) days after
4 the Court's ruling on the exhaustion status of all claims;

5 Respondent shall file his Answering Brief on the merits of Claim 11, including points and
6 authorities in support of the Answer and discussion of 28 U.S.C. § 2254(d), sixty (60) days
7 thereafter; and

8 Petitioner shall file a Reply thirty (30) days thereafter;

9 4. A status conference shall be scheduled upon conclusion of the briefing ordered above,
10 to discuss further proceedings regarding Claim 11.

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12 IT IS SO ORDERED.

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14 DATED: October 11, 2011

15 /s/ Anthony W. Ishii

16 Chief United States District Judge
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