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 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 MICHAEL MARTEL, Acting Warden of
 17 San Quentin State Prison,
 18 Respondent.

) No. 1:10-CV-1429 AWI

) **DEATH PENALTY CASE**

) **SCHEDULING ORDER REGARDING**
) **BRIEFING ON EXHAUSTION STATUS**

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 20 Pursuant to the agreement of the parties, and for good cause shown, it is hereby ordered
 21 as follows:

22 Respondent Michael Martel (“the Warden”) shall file his brief on the exhaustion status of
 23 claims other than Claim 11 on or before March 1, 2012;

24 Petitioner John Michael Beames (“Beames”) shall file his brief on the exhaustion status
 25 of claims other than Claim 11 on or before April 1, 2012;

26 The Warden shall file a closing brief on or before May 1, 2012. The matter will then
 27 stand submitted for a ruling on exhaustion.
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1 The Warden's request to file a motion to dismiss following the Court's ruling on the
2 exhaustion status of the remaining claims in Beames' federal petition is denied. Beames shall
3 notify the Court of his intention regarding the unexhausted claims (i.e., whether to seek stay and
4 abeyance, withdraw the unexhausted claims, etc.) within thirty (30) days of the order on
5 exhaustion.

6 The previously-ordered ninety (90) day deadline for Beames' Opening Brief on the merits
7 of Claim 11 and responsive briefing on that claim only, *see* Document 43, shall be delayed until
8 the sought action regarding the unexhausted claims is resolved.

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10 IT IS SO ORDERED.

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12 DATED: December 21, 2011

13 /s/ Anthony W. Ishii

14 Chief United States District Judge
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