

1 Claim 32 adds a general violation of his Fifth Amendment rights as well as his right to be free
2 of cruel and unusual punishment under the Eighth Amendment to the violation of his Sixth Amendment
3 right to a jury trial, his Eighth Amendment right to enhanced reliability in capital trials, and his
4 Fourteenth Amendment rights to Due Process and Equal Protection raised in Claim V on direct appeal;

5 Claim 33 adds a violation of his Due Process and Equal Protection rights under the Fourteenth
6 Amendment as well as general violations of his Fifth and Sixth Amendment rights to the Eighth
7 Amendment violation raised in Claim VI on direct appeal;

8 Claim 34 adds general violations of his Fifth and Sixth Amendment rights to the deprivation of
9 his Due Process and Equal Protection rights under the Fourteenth Amendment and the deprivation his
10 right to reliability of sentencing under the Eighth Amendment raised in Claim VII on direct appeal; and

11 Claim 35 adds Fifth, Eighth, and Fourteenth Amendment violations to the deprivation of his right
12 to self-representation under the Sixth Amendment raised in Claim I on direct appeal.

13 On October 25, 2011, the Court directed Danks to file a reply to the Warden's response within
14 two calendar weeks from the filing of this order. On November 1, 2011, Danks filed a motion to
15 discharge the order to show case and delay the resolution of exhaustion until state exhaustion
16 proceedings have been completed. By this motion, Danks also requests the Court to hold the entire
17 petition in abeyance, with the exception of Claim 36, which has been dismissed as premature. Danks
18 represents that the Warden does not oppose his motion.

19 The Court denies Danks' unopposed motion to delay exhaustion resolution of Claims 31 through
20 35 pending completion of state exhaustion proceedings and directs Danks to file a reply to the Warden's
21 response on or before November 8, 2011, which is two calendar weeks from the October 25, 2011 order
22 in which Danks was first directed to reply.

23 IT IS SO ORDERED.

24
25 Dated: November 1, 2011

26 /s/ Lawrence J. O'Neill
27 Lawrence J. O'Neill
28 United States District Judge