

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARISSA SCHUSTER,
Petitioner,

v.

DEBORAH K. JOHNSON,
Respondent.

Case No. 1:12-cv-01482-AWI-SAB-HC

SCHEDULING ORDER

Evidentiary Hearing
Date: April 11, 2018
Time: 10:00 a.m.
Courtroom: Nine

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On November 8, 2017, Petitioner moved for a court order directing Respondent to process an attorney authorization form to permit Petitioner to be interviewed by counsel’s investigator without requiring the investigator to disclose her Social Security number on the form. (ECF No. 85). After a hearing on the motion, the undersigned granted Petitioner’s motion on December 7, 2017, and ordered that the form be processed without the investigator’s Social Security number. (ECF No. 93). On March 6, 2018, the District Judge denied Respondent’s motion for reconsideration and ordered Respondent to comply with the undersigned’s directive. (ECF No. 101).

On March 16, 2018, Respondent filed a status report, stating that she cannot legally or practically comply with the Court’s December 7, 2017 order. (ECF No. 104). On March 23,

1 2018, Petitioner requested that the Court enter an order requiring Respondent to show cause why
2 she should not be held in civil contempt for violating the Court's December 7, 2017 order. (ECF
3 No. 105). On March 28, 2018, the District Judge referred this matter back to the undersigned "to
4 conduct the appropriate briefing, hearing and issuance of findings and recommendation as to
5 whether the [attorney authorization form] can be processed without the investigator's social
6 security number." (ECF No. 106).

7 Accordingly, the undersigned will hold an evidentiary hearing. Respondent shall produce
8 witnesses with personal knowledge regarding the authorization process and security clearance at
9 the facility. Additionally, the parties shall be prepared to address the issues underscored in the
10 District Judge's order regarding whether civil contempt is appropriate and whether another
11 investigator can be sent to conduct the interview of Petitioner.

12 IT IS HEREBY ORDERED that:

- 13 1. The parties are directed to file their respective witness and exhibit lists on or before April
14 6, 2018;
- 15 2. The evidentiary hearing will be held on April 11, 2018, at 10:00 a.m., before the
16 undersigned.

17
18 IT IS SO ORDERED.

19 Dated: April 2, 2018


UNITED STATES MAGISTRATE JUDGE