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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARISSA SCHUSTER,
Petitioner,

v.

JANEL ESPINOZA,
Respondent.

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

ORDER DIRECTING RESPONDENT TO
FILE RESPONSE ADDRESSING FAILURE
TO LODGE COMPLETE RECORDING OF
PETITIONER’S PRETRIAL INTERVIEW

ORDER SCHEDULING HEARING ON
THURSDAY, JULY 11, 2019 AT 10:00 A.M.
IN COURTROOM 9

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

On May 15, 2019, the Court ordered Respondent to lodge a recording of Petitioner’s pretrial interview. (ECF No. 137). On May 29, 2019, the Court granted Respondent’s motion for an extension of time to lodge the recording in light of the difficulties in tracking down a copy of the recording and transforming the recording into a more common format. (ECF Nos. 138, 139).

On June 6, 2019, Respondent lodged a copy of the recording. (ECF No. 140). As the lodged recording was unviewable by the Court, the Court directed Respondent to lodge a copy of the recording in an acceptable media format. (ECF No. 141). On June 13, 2019, Respondent lodged a copy of the video recording of Petitioner’s pretrial interview in an acceptable media format as ordered by the Court. (ECF No. 143). However, upon review of the video file and the

1 transcript of the interview, it appeared that Respondent failed to lodge a complete recording of
2 the interview as only the first sixteen pages of the ninety-one-page transcript was contained in
3 the video file lodged on June 13. The Court ordered Respondent to file a complete recording of
4 Petitioner's pretrial interview in an acceptable media format. (ECF No. 144).

5 On June 25, 2019, Respondent filed a notice of lodging video recording of Petitioner's
6 pretrial interview. (ECF No. 145). The Court has reviewed the entire video file, which is
7 approximately one hour and thirty-eight minutes long. Only the first sixty-one pages of the
8 ninety-one-page transcript was contained in the latest video file that was lodged.

9 The record before this Court does not indicate that only a portion of Petitioner's pretrial
10 interview was recorded. Almost eight weeks have passed since the Court first ordered that the
11 recording of the interview be lodged. Respondent has had three opportunities to lodge a complete
12 recording of Petitioner's interview.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. On or before July 10, 2019, Respondent SHALL FILE a response addressing
- 15 Respondent's failure to lodge a complete recording of Petitioner's pretrial interview; and
- 16 2. A hearing on this issue shall be held on **Thursday, July 11, 2019 at 10:00 a.m.** in
- 17 Courtroom 9.

18 IT IS SO ORDERED.

19 Dated: July 8, 2019

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22 UNITED STATES MAGISTRATE JUDGE
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