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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DANIEL LEE WHALEN,  
Petitioner,  
v.  
WARDEN, California State Prison at San  
Quentin,  
Respondent.

Case No. 1:14-cv-01865-LJO-SAB  
DEATH PENALTY CASE  
ORDER DISCHARGING ORDER TO SHOW  
CAUSE  
(ECF No. 20)  
ORDER DIRECTING RESPONDENT'S  
COUNSEL TO SUBMIT CASE  
EVALUATION FORM BY NOT LATER  
THAN NOON ON MAY 21, 2015  
ORDER SETTING TELEPHONIC CASE  
MANAGEMENT CONFERENCE  
Date: May 26, 2015  
Time: 3:00 p.m.  
Courtroom: Department 9  
Judge: Hon. Stanley A. Boone

Before the Court is Respondent counsel's May 13, 2015 corrected response to the Court's May 11, 2015 order to show cause re monetary sanctions. In it Deputy Attorney General Catherine Tennant Nieto attests to her inadvertent failure to respond to the Court's orders. She represents that Petitioner's counsel, Assistant Federal Defender Brian Abbington, incurred no costs as a result thereof.

1 The Court accepts Ms. Nieto's explanation and representations, but admonishes her  
2 lack of attentiveness. Any further occurrence will be closely reviewed.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. The May 11, 2015 order to show cause (ECF No. 20) is DISCHARGED,
- 5 2. Respondent's counsel is directed to complete the Confidential Case Evaluation  
6 Form attached as Appendix B to the *Fresno Attorney Guide to Case*  
7 *Management and Budgeting in Capital Habeas Cases*, (hereinafter the  
8 "*Attorney Guide*"), which is posted on the Court's web-page (*see Attorney*  
9 *Guide*, ¶ 44), and to submit it to the Court confidentially, filed under seal by e-  
10 mailing to the Court's Approved Sealed@ e-mail address,  
11 ApprovedSealed@caed.uscourts.gov, by not later than noon on Thursday, May  
12 21, 2015, and
- 13 3. The initial Case Management Conference is set for Tuesday, May 26, 2015, at  
14 3:00 p.m., and will be held telephonically. Counsel are directed to contact the  
15 Court's Courtroom Deputy Clerk, Ms. Mamie Hernandez, to obtain the  
16 teleconference code. The purpose of the initial CMC will be to discuss the status  
17 of record assembly and review by Petitioner's counsel, case complexity, an  
18 approximate date for the Warden to lodge the state record, the one-year statute  
19 of limitations, the scheduling of a second CMC, and any other matters the  
20 parties wish to discuss together with the Court.

21 IT IS SO ORDERED.

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23 Dated: May 14, 2015

  
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UNITED STATES MAGISTRATE JUDGE