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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WILLIE LEO HARRIS,  
Petitioner,

v.

RON DAVIS, Warden of the California State  
Prison at San Quentin,  
Respondent.

Case No. 1:16-cv-01572-DAD

DEATH PENALTY CASE

ORDER FOLLOWING INITIAL CASE  
MANAGEMENT CONFERENCE

The undersigned held an initial case management conference on January 18, 2017 at 10:00 a.m. in Department 5. Saor E. Stelter and Richard G. Novak appeared for petitioner, Willie Leo Harris. Amanda Cary appeared for respondent, Ron Davis. All counsel appeared telephonically. The parties stipulated that absent tolling, the federal habeas petition is due September 21, 2017. Counsel for petitioner stated their intention to file a motion for equitable tolling within six weeks. Counsel for respondent stated that the record received from the state court is in part on electronic media and in part in paper format.

The court continued the public portion of the case management conference to allow respondent the opportunity to determine a date for electronic lodging of the state court record according to the court's noted requirements. Respondent's counsel was then excused and the undersigned held an ex parte budgeting conference with counsel for petitioner. The results of

1 that budgeting conference are covered in a separate, sealed order.

2 On February 2, 2017, at 11:00 a.m. in Department 5, the undersigned held the  
3 continued case management conference. The above noted counsel appeared telephonically.  
4 Counsel for respondent, Ms. Cary, advised that four (4) months would be required for  
5 electronic lodging of the state court record.

6 Accordingly,

- 7 1. By September 21, 2017, unless a different date is subsequently ordered by the  
8 court, petitioner shall file the petition pursuant to 28 U.S.C. § 2254. References  
9 to the state court record in the petition shall use the identification system set out  
10 in the Notice of Lodging, described below. Each reference shall thus include  
11 the docket number for the Notice of Lodging, the attachment number, and the  
12 Bate-stamp numbers followed, in parentheses, by the abbreviated name of the  
13 volume of the record and any internal pagination. For example, if the Notice of  
14 Lodging appears as electronic court filing number 40 and the first attachment is  
15 the first 300 pages of the Clerk’s Transcript on Appeal, the citation form would  
16 be “DOC. No. 40-1, AG00001-AG00300 (CT 1-300).”
- 17 2. By June 15, 2017, respondent shall file a Notice of Lodging and lodge with the  
18 court the state court record as specified below.
  - 19 a. The lodged record shall meet the following requirements:
    - 20 (i) It shall contain (a) transcripts of the state trial court proceedings;  
21 (b) appellant’s and respondent’s briefs on direct appeal to the  
22 California Supreme Court, and the opinion or orders of that  
23 Court; and (c) petitioner’s and respondent’s briefs in any state  
24 court habeas corpus proceedings, and all opinions, orders and  
25 transcripts of such proceedings.
    - 26 (ii) The entire record shall be Bate-stamped. Bate-stamp numbering  
27 shall be in the format AG00001, AG00002, etc. to distinguish it  
28 from other numbering systems in the record.

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- (iii) The entire record shall be scanned.
- (iv) The entire record shall be converted to an optical character recognition (OCR) format.
- (v) State sealed documents shall be lodged in paper form.

b. The Notice of Lodging shall be filed on the court’s electronic filing system. Each item of the state court record shall be lodged as an attachment to the Notice of Lodging. For each separate attachment, the Notice of Lodging shall identify the attachment number, the Bate-stamp numbers, and the name of that part of the record, including its internal pagination, if any. For example, the attachment identified above in paragraph 1 would be listed in the Notice of Lodging as: “Attachment #1, AG00001-AG00300 (Clerk’s Transcript 1-300).” The identical identifying information shall also be included as the docket title of each electronically lodged attachment to the Notice of Lodging. To the extent possible, each separate paper volume of the state court record shall be lodged as one attachment.

c. The state court record need not also be lodged on CDs, and courtesy copies on CD are *not* required.

- 3. Petitioner intends to file a motion for equitable tolling. Such a motion shall be filed no later than March 6, 2017.
- 4. The answer shall be filed no later than twelve (12) months after the filing date of the petition.
- 5. The petition and answer need not include points and authorities regarding application of 28 U.S.C. § 2254(d).

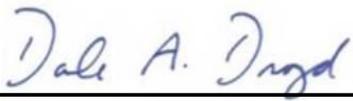
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6. A briefing schedule will be set after the petition and answer have been filed.

IT IS SO ORDERED.

Dated: February 2, 2017

  
DALE A. DWYER  
UNITED STATES DISTRICT JUDGE