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                        IN THE UNITED STATES DISTRICT COURT
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                      FOR THE EASTERN DISTRICT OF CALIFORNIA
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    LARRY ROBERTS,
                                         DEATH PENALTY CASE
15
                                         NO. CIV S-93-0254 GEB DAD DP
                    Petitioner,
16
          V.
                                         ORDER RE: DEFERRED BRIEFING AND
                                         SUBMISSION OF PETITIONER'S MOTION
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    ROBERT L. AYERS, Warden,
                                         TO ADMIT THE DECLARATION OF
                                         CHARLES EDWARDS INTO EVIDENCE
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                    Respondent.
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          Pursuant to the stipulation of the parties, and good cause
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    appearing, the joint request for deferred briefing and submission of
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    petitioner's pending motion (Document 401) is GRANTED. It is hereby
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    ORDERED AS FOLLOWS:
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               Petitioner will make arrangements for a deposition of Charles
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    Edwards as soon as is practicable, and will notice the deposition
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27
    Roberts v. Warden
                                                    [Proposed] Order
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    CIV S-93-0254 GEB DAD DP
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pursuant to Fed. R. Civ. P. 30(b)(1). The notice of deposition will be filed with the Court.

- 2. Within two court days of the noticed deposition date,
 Petitioner will notify the Court whether or not the deposition has
 taken place.
- 3. If the deposition has taken place, Petitioner will at that time withdraw his Motion to Admit The Declaration as moot.
- 4. If the deposition has not taken place, Petitioner shall, within two court days of so notifying the Court, file a reply to the Response in Opposition. The motion will then be submitted for expedited decision pursuant to the previous orders of the Court.

IT IS SO ORDERED.

DATED: March 18, 2011.

DALE A. DROZD

UNITED STATES MAGISTRATE JUDGE