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12 **UNITED STATES DISTRICT COURT**  
13  
14 **EASTERN DISTRICT OF CALIFORNIA**

15 LARRY ROBERTS ) No. 2:93-cv-00254-TLN-DAD  
Petitioner, )  
16 ) **DEATH PENALTY CASE**  
vs. )  
17 )  
18 KEVIN CHAPPELL, Warden of the ) **STIPULATION AND ORDER SETTING**  
California State Prison at San Quentin, ) **FORTH BRIEFING SCHEDULE ON NON-**  
19 ) **EVIDENTIARY HEARING CLAIMS**  
Respondent. )

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21 On July 15, 2003, Petitioner Larry Roberts filed his Second Amended Petition (Doc. 248)  
22 in this case. On January 20, 2004, Respondent Warden filed his Answer (Doc. 270) to that  
23 petition and an accompanying Memorandum of Points and Authorities. Doc. 271. On April 19,  
24 2004, petitioner filed his Traverse. Doc. 284.

25  
26 On December 15, 2010, petitioner filed a motion for evidentiary hearing. Doc. 369. This  
27 Court granted that motion in an order filed on June 1, 2012 (Doc. 424), which was amended by  
28

1 an order dated January 31, 2013. Doc. 466. The Amended Order granted a hearing on eight of  
2 petitioner's 58 Claims<sup>1</sup>: Claim 1, 7, 15, 16, 29, 30, 42 and 43. Doc 466 at 133. Following  
3 depositions and a three day evidentiary hearing that concluded on January 15, 2014, the parties  
4 agreed to a briefing schedule on these evidentiary hearing claims. Doc. 502. The court approved  
5 that stipulated briefing schedule. Doc. 503.  
6

7 The present stipulation and order does not modify this Court's previous protective orders  
8 (Docs. 460 and 493), or otherwise permit any other use of the exhibits referenced in the court's  
9 order unsealing exhibits (Doc. 513). During a telephonic conference held on February 11, 2014,  
10 the Court requested updated briefing on non-evidentiary hearing claims. The parties stipulate to  
11 the following briefing schedule: Respondent shall file a Supplemental Brief in Support of  
12 Answer on Non-Evidentiary Hearing Claims on or before November 13, 2014. Petitioner shall  
13 file a Supplemental Brief in Support of Traverse on Non-Evidentiary Hearing Claims on or  
14 before February 11, 2015.  
15

16 Respectfully submitted,

17 HEATHER E. WILLIAMS  
18 Federal Defender

19 Dated: June 10, 2014

/s/ Brian Abbington  
20 BRIAN ABBINGTON  
Assistant Federal Defender

21  
22 Dated: June 10, 2014

/s/ Harry Simon  
23 HARRY SIMON  
Assistant Federal Defender

24 Attorneys for Petitioner  
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27 <sup>1</sup>Although the Second Amended Petition lists Claims 1 through 59, Claim 33 was omitted  
28 from that petition.

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KAMALA HARRIS  
Attorney General of the State of California

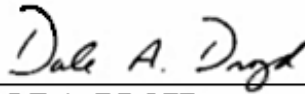
Dated: June 9, 2014

/s/ Glenn R. Pruden  
GLENN R. PRUDEN  
Supervising Deputy Attorney General

Attorneys for Respondent

IT IS SO ORDERED.

Dated: June 16, 2014



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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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