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1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 LARRY ROBERTS, No. 2:93-cv-00254 DAD KJN (TEMP) 12 Petitioner, DEATH PENALTY CASE 13 v. 14 WARDEN, San Quentin State Prison, **ORDER** 15 Respondent. 16 17 Following the evidentiary hearing held in this action in 2014, the parties submitted 18 19 20 21 22 23 24 25

memoranda of points and authorities, first on the claims which were the subject of the evidentiary hearing and then on the non-evidentiary hearing claims. (ECF Nos. 518, 525, 526, 527, 528, 529.) The court, however, is concerned that the parties' briefing on the evidentiary hearing claims omitted discussion of the prosecutorial misconduct and other issues involving the trial testimony of inmate witness Raybon Long. In the order granting petitioner's motion for an evidentiary hearing, this court found "taking evidence regarding the truthfulness of Long's trial testimony appropriate." (Jan. 31, 2013 Order (ECF No. 466) at 45.) Whether or not any significant evidence was adduced during the evidentiary hearing regarding Long's credibility, the truthfulness of Long's testimony is a significant issue in this case that requires final briefing. (See id. at 40-45, 53-54.) The court seeks the position of both parties with respect to that issue and therefore requests supplemental briefing.

1	Accordingly:
2	1. Within thirty days of the date of this order, petitioner shall file a memorandum of
3	points and authorities addressing the issues involving the credibility of trial witness
4	Raybon Long.
5	2. Within fourteen days of the filing of petitioner's brief, respondent shall file an
6	opposition brief.
7	3. Within seven days of respondent's opposition, petitioner may, file a reply brief.
8	IT IS SO ORDERED.
9	Dated: March 14, 2016
10	UNITED STATES DISTRICT JUDGE
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