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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   DAVID A. BREAUX,   No. 2:93-cv-0570 JAM DAD P

12   Petitioner,   DEATH PENALTY CASE

13   v.

14   WARDEN, San Quentin State Prison,   ORDER

15   Respondent.

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17   Petitioner is a state prisoner incarcerated under sentence of death. He is proceeding

18   through counsel with an application for writ of habeas corpus.

19   On February 5, 2014, the court held a status conference which counsel for both parties

20   attended. Pursuant to the court's discussion with counsel, IT IS HEREBY ORDERED that:

21   1. No later than March 15, 2014, the parties shall file a joint statement regarding the

22   scope of the evidentiary hearing with respect to each remaining claim. The statement shall also

23   identify which claims will involve live witnesses at an in-court evidentiary hearing, which claims

24   will be submitted solely on an expanded record or by way of deposition or affidavit and which

25   remaining claims involve consideration of no evidence. If the parties have any disputes

26   remaining after conferring and require a court ruling on any aspect of the scope of the evidentiary

27   hearing, a separate motion addressing those remaining disputes, if any, shall be filed no later than
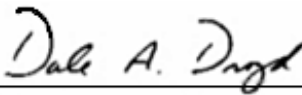
28   March 29, 2014.

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1   2. All independent investigation in this case shall be completed by June 16, 2014.

2   3. Each party shall submit a statement listing proposed witnesses for the evidentiary

3 hearing no later than June 16, 2014.

4   4. No later than July 16, 2014, the parties shall submit a joint proposed schedule and

5 status report. That proposal and report shall include: (1) a proposed schedule for any

6 depositions; (2) a proposed deadline for the filing of any pre-evidentiary hearing motions that

7 either party deems appropriate; and (3) proposed dates for the in-court evidentiary hearing.

8 Dated: February 6, 2014

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10   DALE A. DROZD

11   UNITED STATES MAGISTRATE JUDGE

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13 hm
breaux0570.schedule(2.6.14)

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