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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.
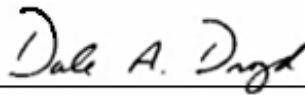
19   On February 7, 2014, the court ordered the parties to file a joint statement regarding the

20   scope of the evidentiary hearing to be held after the parties complete their independent

21   investigations. The court ordered the parties to identify which remaining claims will involve the

22   testimony of live witnesses at the evidentiary hearing, which claims will be submitted solely on

23   an expanded record or through deposition or affidavit, and which claims will require

24   consideration of no evidence at all. (See Doc. No. 257.) The parties' joint statement was due

25   March 15, 2014.

26   The parties have complied with the court's order. In their joint statement, however, they

27   also request additional time in which to identify the claims that will require live testimony and

28   those that will be submitted on an expanded record without the need for live testimony. (See

                                            1

1   Doc. No. 262 at 3-4.) The parties ask that they be allowed to include this division of claims in the

2   next joint statement which is required to be filed under the current scheduling order on June 16,

3   2014. Good cause appearing, their request will be granted.

4   Accordingly, IT IS HEREBY ORDERED that the parties' request for additional time in

5   which to identify the claims that will require live testimony at the evidentiary hearing and those

6   that will be submitted solely on an expanded record without live testimony is granted. The parties

7   shall include this division of claims in the next joint statement required under the current

8   scheduling order, due June 16, 2014.

9   Dated: March 18, 2014

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11   _____
                                                     DALE A. DROZD
12   brea0570.order(3.18.14)   UNITED STATES MAGISTRATE JUDGE

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