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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ANTHONY BREAUX,
Petitioner,

v.

WARDEN, San Quentin State Prison,
Respondent.

No. 2:93-cv-0570 JAM DB
DEATH PENALTY CASE

ORDER

In an order filed July 26, 2017, the court set out a pre-evidentiary hearing and evidentiary hearing schedule. (ECF No. 304.) The evidentiary hearing is currently scheduled to commence on April 1, 2019. It has come to the court’s attention that neither party has filed a final witness list with the court. Those lists were due on December 31, 2018. (Id. at 2.) However, due to conflicts in the court’s calendar, the court must reschedule the evidentiary hearing.

Accordingly, IT IS HEREBY ORDERED as follows:

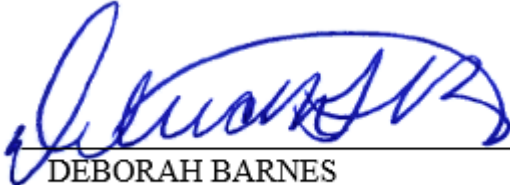
1. The evidentiary hearing set to commence April 1, 2019 is removed from the court’s calendar.
2. Within twenty days of the date of this order, petitioner’s counsel shall contact Courtroom Deputy Pete Buzo at (916) 930-4128 and opposing counsel to determine new dates for the evidentiary hearing.

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3. After an evidentiary hearing date is set, petitioner’s counsel shall confer with respondent’s counsel to propose a schedule for the remaining pre-evidentiary hearing matters, including: (a) filing final witness lists, (b) filing exhibit lists, (c) meeting regarding any possible stipulations, and (d) filing any pre-hearing motions.
4. By February 28, 2019, the parties shall file a joint proposed schedule for these remaining pre-evidentiary hearing matters.

Dated: January 9, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
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