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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ANTONIO ESPINOZA,

12 Petitioner,

13 v.

14 WARDEN, SAN QUENTIN STATE
15 PRISON,

16 Respondent.

No. 2:94-cv-1665 JAM DB

DEATH PENALTY CASE

ORDER


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18 Petitioner is a condemned state prisoner proceeding with a petition for a writ of habeas
19 corpus under 28 U.S.C. § 2254. After new counsel was appointed for petitioner in February
20 2016, the court ordered petitioner's counsel to file a statement describing the status of these
21 proceedings and a plan for going forward. (ECF No. 266.) On October 27, 2016, petitioner filed
22 that statement. (ECF No. 268.) On December 12, 2016, respondent filed a responsive statement.
23 (ECF No. 270.)

24 In his October 27 statement, petitioner requests the opportunity to file a reply to
25 respondent's statement. The court finds good cause for the filing of a reply to address
26 respondent's statement and, if petitioner wishes, to address briefly the effect, if any, of the
27 passage of Proposition 66 on these proceedings.

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1 Accordingly, IT IS HEREBY ORDERED that within thirty days of the filed date of this
2 order, petitioner shall file any reply to respondent's December 12, 2016 statement. If respondent
3 wishes to respond, he may file a sur-reply within twenty days after service of petitioner's reply.

4 Dated: December 19, 2016

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7 DEBORAH BARNES
8 UNITED STATES MAGISTRATE JUDGE
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13 DLB:9
14 DLB1/orders.capital/Espinoza.sts reply
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