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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTONIO ESPINOZA,
Petitioner,
v.
WARDEN, SAN QUENTIN STATE
PRISON,
Respondent.

No. 2:94-cv-1665 JAM DB
DEATH PENALTY CASE

ORDER

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

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

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

Dated: December 19, 2016



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DLB1/orders.capital/Espinoza.sts reply