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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY F. STANLEY,

 Petitioner,

 v.

WARDEN, San Quentin State Prison,

 Respondent.

No. 2:95-CV-1500 JAM CKD
DEATH PENALTY CASE

ORDER

On October 24, 2014, petitioner moved for sanctions against attorney Jack Leavitt. (ECF No. 947.) On October 29, this court ordered Mr. Leavitt to file a response by November 13 which “shall be limited to explaining why this court should not impose sanctions and/or find him in contempt of court.” (ECF No. 949.) Mr. Leavitt was also permitted to request oral argument. This court has barred Mr. Leavitt from filing any other documents in this proceeding. (ECF No. 940.)

To date, this court has received no response directly from Mr. Leavitt. However, petitioner’s counsel informed the court that on November 12 they received service of documents from Mr. Leavitt. Court staff contacted Mr. Leavitt and was told he had placed filings to the court in the U.S. mail on November 10, 2014. In the interests of justice, and to expedite this matter, the court has requested copies from petitioner’s counsel of the documents Mr. Leavitt served. The court has received those documents. They are: (1) Opposition to Sanctions Motion;

1 (2) Motion to Dismiss Sanctions Motion; (3) Request for Hearing and Oral Argument; (4) Motion
2 for Court Order to Assure Gerald F. Stanley's Presence at Hearing on Sanctions Motion; and (5)
3 Declaration of Gerald F. Stanley Opposing Sanctions Motion and Requesting Presence at
4 Hearing. Petitioner's counsel also received a copy of a letter from Mr. Leavitt to the Clerk of this
5 court requesting filing of each of these documents.

6 As stated above, Mr. Leavitt is not permitted to file documents in this proceeding with the
7 exception of a response to the motion for sanctions and a request for oral argument. Those two
8 documents will be filed and docketed. The remaining documents which Mr. Leavitt apparently
9 wished to file shall not be filed and shall be disregarded.

10 For the foregoing reasons, IT IS HEREBY ORDERED as follows:

- 11 1. The Clerk of the Court is directed to file Jack Leavitt's November 10, 2014 "Request
12 for Hearing and Oral Argument" and his November 8, 2014 "Opposition to Sanctions
13 Motion."
- 14 2. Within one week of the filed date of this order, petitioner may file a reply brief.
- 15 3. On December 10, 2014 at 10:00 a.m., the undersigned will hold a hearing on
16 petitioner's October 24, 2014 Motion for Sanctions in courtroom # 24.
- 17 4. The Clerk shall serve a copy of this order and file-stamped copies of the "Request for
18 Hearing and Oral Argument" and the "Opposition to Sanctions Motion" by U.S. mail
19 on Mr. Leavitt.

20 Dated: November 26, 2014

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22 _____
23 CAROLYN K. DELANEY
24 UNITED STATES MAGISTRATE JUDGE

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