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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 January 28, 2015, the undersigned held a conference to address representations made in attorney Jack Leavitt’s January 14, 2015 letter to the court (ECF No. 986). Joe Schlesinger appeared for petitioner. Mr. Leavitt participated by telephone.

As has been documented in this case numerous times, Mr. Leavitt has inserted himself into these proceedings based on his persistent claim that he is petitioner’s “true legal representative.” In 2004, the court sanctioned Mr. Leavitt in an amount exceeding \$10,000 for his interference in these proceedings. (ECF No. 437.) In December 2014, this court granted a second motion for sanctions against Mr. Leavitt. (ECF No. 972.) The amount of those sanctions has yet to be determined.

In his January 14 letter, Mr. Leavitt requested a status conference to discuss petitioner’s counsel’s statement that petitioner told Mr. Schlesinger that he “would like [Mr. Leavitt] to lose interest in his case and wants Mr. Schlesinger to represent him.” (ECF No. 986.) On January 27,

1 2015, petitioner’s counsel filed a CD-ROM containing a recording of statements made by
2 petitioner Stanley on the Federal Defender’s voicemail message system. (ECF No. 991-3.) In
3 addition, counsel filed a transcript of those messages. (ECF No. 991-2.) The undersigned has
4 listened to the CD-ROM and read the transcript which reveal that in August 2014, petitioner
5 Stanley informed Mr. Schlesinger that he wants Mr. Schlesinger to continue to represent him, that
6 he wants Mr. Schlesinger to so inform the court, and that his time with Mr. Leavitt “is up.” Mr.
7 Stanley states, “I actually feel a little bit better that uh now that I know that uh this shit with
8 Leavitt is coming to an end.” (Id.)

9 During the conference, Mr. Leavitt acknowledged that he had received the CD-ROM and
10 transcript containing petitioner Stanley’s statements. He stated that based on petitioner’s
11 statements, Mr. Leavitt feels he has “no reason to remain in the case,” except to address the
12 impositions of sanctions.¹

13 Mr. Leavitt then informed the court that he would agree to cease his involvement in these
14 proceedings if the undersigned would re-evaluate the 2004 sanctions order and order the money
15 Mr. Leavitt paid previously returned. Mr. Leavitt’s offer is not well taken; both the 2004 and the
16 2014 orders imposing sanctions against Mr. Leavitt stand. Mr. Leavitt is once again warned that
17 he will face further sanctions if he interjects himself in this case in any way not explicitly
18 permitted by the court.

19 Accordingly, IT IS HEREBY ORDERED as follows:

- 20 1. On February 4, 2015, at 10:00 a.m., the court will hear petitioner’s motion to compel.
21 The court expects petitioner’s counsel and Mr. Leavitt to appear. At that time, the
22 court will also hear any argument on the amount of sanctions to be levied against Mr.
23 Leavitt pursuant to the December 19, 2014 order.

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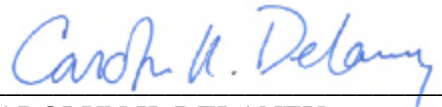
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26 ¹ In addition, Mr. Leavitt admitted that “we do not have a clear view of whether Jerry Stanley
27 really wants execution or not.” Mr. Leavitt’s involvement in this case has, in the past, been based
28 on Mr. Leavitt’s stated belief that petitioner Stanley wanted to dismiss these proceedings so that
his death sentence may be carried out.

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2. The Clerk of the Court is directed to serve a copy of this order by U.S. mail on attorney Jack Leavitt.

Dated: January 29, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

stanley leavitt hrg.or