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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES DAVID MAJORS,

Petitioner,

No. 2:99-cv-00493 MCE KJN

vs.

DEATH PENALTY CASE

WARDEN,
San Quentin State Prison,

Respondent.

ORDER

_____ /
The court heard petitioner’s motion for discovery and held a status conference on July 8, 2010.¹ Allison Claire appeared for petitioner. Richard Neuhoff appeared telephonically for petitioner. Daniel Bernstein appeared for respondent. Upon review of the motion and the documents in support and opposition, and upon hearing the arguments of counsel and good cause appearing therefor, the court announced the following orders to the parties in open court:

1. By July 19, 2010, respondent shall file a statement which: (a) proposes language which would more narrowly tailor petitioner’s subpoenas seeking Ms. Hogue’s mental health records and law enforcement records regarding Ms. Hogue and Mr. Reese; and (b)

_____ /
¹ An ex parte budgeting conference with counsel for petitioner was held after argument on the motion for discovery. The court will issue a separate order regarding budgeting.

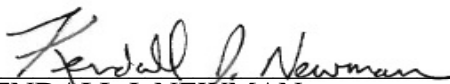
1 explains whether respondent will assert procedural default bars to any claims for which petitioner
2 seeks discovery. By August 5, 2010, petitioner may file a response to items (a) and (b).

3 2. By July 19, 2010, petitioner shall inform the court whether Ms. Hogue is
4 entitled to notice, and if so how that notice will be given, if the court finds good cause for the
5 discovery of her mental health records.

6 3. After receipt of the filings described in paragraphs 1 and 2, the court will issue
7 an order on petitioner's May 25, 2010 Motion for Discovery.

8 4. By July 26, 2010, respondent shall lodge the state court record as described in
9 Local Rule 191(j)(1). By December 27, 2010, respondent shall file an answer which addresses
10 the merits of all claims and asserts any procedural defenses. In addition, respondent shall file any
11 motion to dismiss claims on procedural grounds.

12 DATED: July 9, 2010

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16 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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