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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

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On March 31, 2011, the undersigned held a status conference. Allison Claire and Richard Neuhoff appeared by telephone for petitioner. Daniel Bernstein appeared for respondent. After considering the parties' joint status report and the argument of counsel, and good cause appearing, IT IS HEREBY ORDERED as follows:


1. By May 16, 2011, petitioner shall file any motion to strike the answer. Respondent shall file an opposition by June 15, and petitioner shall file any reply by June 30. On August 18, 2011, at 10:00 a.m., in courtroom # 25, the undersigned will hear argument on the motion to strike.
2. By June 15, 2011, petitioner shall file an opposition to respondent's January 25, 2011 motion to dismiss. Petitioner's opposition need only address the independence and adequacy of the procedural bars asserted by respondent. Petitioner need not at this point make

1 arguments regarding exceptions to the procedural default rule based on “cause and prejudice.”
2 By September 13, 2011, respondent shall file any reply. After receipt of the briefs, the court will
3 schedule argument.

4 3. Petitioner shall file any motion for leave to conduct discovery no later than 60
5 days after both of the following have occurred: (a) a final ruling by the district court on findings
6 and recommendations regarding respondent’s pending motion to dismiss, and (b) a final ruling
7 on petitioner’s anticipated motion to strike or for a more definite statement, and filing of such a
8 statement or amended answer if one is ordered by this court. Opposition and reply briefs, and
9 any argument, on the discovery motion will be scheduled after petitioner files the motion.

10 4. After final resolution of the motions to dismiss and to strike, petitioner will be
11 given the opportunity to file a traverse, if necessary.

12 DATED: April 1, 2011

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15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

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