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

JERRY GRANT FRYE,

Petitioner,

No. CIV S-99-0628 LKK KJM

vs.

DEATH PENALTY CASE

ROBERT L. AYERS, Jr.,
Warden of San Quentin
State Prison,

Respondent.

ORDER

_____/

Review of petitioner’s January 16 and January 30, 2009 responses to the court’s January 9 order reveals that additional information is necessary to resolve the matters pending before the court. Accordingly, IT IS HEREBY ORDERED as follows:

1. Petitioner now specifies that his November 17, 2008 motion to compel seeks an order requiring the California Department of Corrections and Rehabilitation (“CDCR”) to produce the following: (a) documents responsive to petitioner’s July 11, 2008 request for production of 472 probation reports; and (b) “the approximately 70 reports the CDCR seemingly possesses but refuses to turn over.” Jan. 16, 2009 Decl. of Tivon Schardl at 8-9. While petitioner has provided the court with a copy of his July 11 document production request, he has not identified for the court the second category of “approximately 70 reports.” Specific

1 identification of those reports is necessary if petitioner seeks an order compelling their
2 production. Within five days of the filed date of this order, petitioner shall file under seal a list
3 identifying those reports he claims CDCR has failed to turn over.

4 2. Within ten days of the date petitioner files this supplemental list, respondent
5 shall file any response to that list and to the January 16 declaration.

6 DATED: February 5, 2009.

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9 _____
10 U.S. MAGISTRATE JUDGE

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