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

JERRY GRANT FRYE,

Petitioner,

vs.

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

Respondent.

No. CIV S-99-0628 LKK KJM

DEATH PENALTY CASE

ORDER

_____ /
Petitioner has filed a request for clarification or modification of the court’s February 6, 2009 order. Petitioner’s November 18, 2008 motion to compel lacked sufficient specificity. Rather than simply deny it, the court gave petitioner an opportunity to supplement it. In a January 9, 2009 order, the court asked petitioner to explain how the discovery he sought was justified by the court’s 2004 orders, and to set out with specificity what he wants the court to compel CDCR to do. When petitioner’s January 16 response was incomplete, the court gave him yet another opportunity to provide the court with information that should have been provided in his November motion. See Feb. 6, 2009 Order. Petitioner now complains that the court has given respondent an opportunity to file a response to petitioner’s recent filings. See Jan. 16, 2009 Decl. in Resp. to Order filed Jan. 9; Discovery Correspondence filed Feb. 9, 2009.

1 Petitioner asks the court instead to order respondent to comply with petitioner's discovery
2 requests. The court will not proceed on petitioner's motion until respondent has had an
3 opportunity to respond to documents filed here for the first time, that should have been filed with
4 petitioner's original motion.

5 Petitioner's February 10, 2009 Request that the Court Clarify and/or Modify the
6 February 6, 2009 Order is denied.

7 DATED: February 12, 2009.

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11 U.S. MAGISTRATE JUDGE
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26 frye req for mod.or