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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

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Petitioner has submitted a response to respondent's notice regarding non-production of the notes of witness Eric Bryson. Petitioner's July 2 filing is construed as a motion to strike or disregard Sgt. Bryson's testimony. By July 22, 2009, respondent shall file any opposition to this motion. By August 5, 2009, petitioner shall file any reply. After submission of the briefs, the court will schedule oral argument if necessary.

DATED: July 8, 2009.

  
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U.S. MAGISTRATE JUDGE

frye bryson mtn.or