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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

Respondent's expert Dr. Reese Jones gave his evidentiary hearing testimony in court on August 3 and 4, 2009. At the conclusion of his voir dire examination of Dr. Jones, petitioner's counsel confirmed his request to renew and brief his motion to disqualify Dr. Jones as an expert in this proceeding under Federal Rule of Evidence 702. The parties proposed and the court ordered the following briefing schedule: (1) petitioner shall file his opening brief by October 16, 2009; (2) respondent shall file his opposition by November 13, 2009; (3) petitioner may file any reply by December 4, 2009. After receipt of all the briefing, the court will set oral argument if necessary.

DATED: August 5, 2009.

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U.S. MAGISTRATE JUDGE