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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

WARDEN, San Quentin
State Prison,

Respondent.

ORDER

Respondent seeks clarification of the court's November 1, 2010 order. The court did not intend to limit respondent's discovery on claim 37 to that respondent might need to oppose the motion for an evidentiary hearing. The court will permit the parties to conduct discovery on claim 37 if it grants petitioner's motion for an evidentiary hearing on claim 37.

DATED: December 6, 2010.


U.S. MAGISTRATE JUDGE

frye clarif.or