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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Jerry Grant Frye,

Petitioner,

v.

Warden of San Quentin State Prison,

Respondent.

No. 2:99-cv-00628-KJM-CKD

ORDER

Petitioner has filed a motion seeking, among other things, dismissal of this long-pending case and petitioner’s immediate release. *See* ECF No. 704; *see also* ECF No. 705 (motion to amend amended petition), 706 (motion to withdraw specified exhibits). In light of issues raised by the motion, the current landscape affecting capital habeas matters arising from California courts, and this court’s heavily impacted caseload impeding its ability to resolve the motion once fully briefed in a timely manner, the parties are ordered to show cause **within fourteen days** why this action should not be referred now to a mandatory settlement conference before another judge of this court. *Cf.* Order Denying without Prejudice Mot. Settlement Conf., *Hill v. Broomfield*, No. 94-641 (N.D. Cal. Oct. 12, 2021), ECF No. 460 (“This particular case has already been pending for decades, and it promises to drag on for many more years . . . ,” burdening the public purse); Testimony of Chief Judge Kimberly J. Mueller to the U.S. House of Representatives Judiciary Committee, Subcommittee on Courts, Intellectual Property, and the Internet (Feb. 24,

1 2021) (testifying regarding dearth of judicial resources in Eastern District of California: “My
2 colleagues and I are unreservedly committed to fulfilling our oaths of office but the simple truth
3 is that we cannot keep pace with the workload that arises from our district’s wide expanse. . . .
4 Despite our best efforts over the last many years, our attempts to do our jobs properly are at a
5 breaking point with justice delayed daily in tangible ways”).

6 IT IS SO ORDERED.

7 DATED: December 1, 2021.



CHIEF UNITED STATES DISTRICT JUDGE