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

CHARLES D. RIEL,

Petitioner,

No. CIV S-01-0507 LKK KJM

vs.

DEATH PENALTY CASE

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

Respondent.

ORDER

_____ /

Respondent's March 26, 2010 motion to conduct a mental examination came on for hearing on shortened time on April 14, 2010 before the undersigned. Paul Bernardino and Heather Gimle appeared for respondent. Tivon Schardl and Robert Bacon appeared for petitioner. Because respondent's reply brief made new arguments, the court will permit petitioner to file a response to respondent's reply brief.¹

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¹ The court is cognizant of the fact that the parties are on a tight schedule to prepare for the August evidentiary hearing. Because a decision on respondent's motion will now be delayed by a couple weeks, respondent should reserve an examination time at San Quentin State Prison to preserve his right to conduct the examination, should his motion be granted.

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IT IS HEREBY ORDERED that by April 28, 2010 petitioner may file a brief in response to respondent's April 12, 2010 reply brief.

DATED: April 20, 2010.



U.S. MAGISTRATE JUDGE