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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

WARDEN, San Quentin
State Prison,

Respondent.

ORDER

_____ /

Petitioner seeks to modify the scheduling order to permit the filing of reports of Drs. Froming and Miora in rebuttal to respondent's report of Dr. Dunn. (Dkt. No. 377.) By June 11, respondent shall file any response. While the court is aware that the issue of the admissibility of Dr. Dunn's testimony will be considered during the June 16 argument on petitioner's motion in limine, respondent is reminded that, should Dr. Dunn's testimony be permitted, Dr. Dunn is limited to testifying as a rebuttal witness and to only the subjects raised in his report filed here on May 6, 2010.

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The parties shall be prepared to discuss petitioner's request to modify the scheduling order during the June 16 hearing.

DATED: June 8, 2010.



U.S. MAGISTRATE JUDGE