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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,

Petitioner,

v.

ROBERT L. AYERS, JR.,
Warden of California State
Prison at San Quentin,

Respondent.

NO. CIV. S-01-0507 LKK/KJM
DEATH PENALTY CASE

O R D E R

_____ /

On November 30, 2010, petitioner filed a motion for reconsideration of the Magistrate Judge's November 5, 2010 order. Specifically, petitioner sought reconsideration of several rulings on his motions in limine prior to an evidentiary hearing. Subsequent to petitioner's motion before this court, the Magistrate Judge assigned to this case was elevated to the position of District Judge. The case has been temporarily assigned to a different Magistrate Judge pending appointment of a new Magistrate Judge. The court finds that the Magistrate Judge to whom this case

1 is permanently assigned should determine, in the first instance,¹
2 how the evidentiary hearing should proceed.

3 For the foregoing reasons, the court ORDERS as follows:

4 (1) The Magistrate Judge's order (Doc. No. 443) is VACATED.

5 (2) Petitioner's motion for reconsideration (Doc. No. 451)
6 is DENIED, WITHOUT PREJUDICE, AS MOOT.

7 IT IS SO ORDERED.

8 DATED: March 22, 2011.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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¹ Of course, petitioner's and respondent's rights to seek reconsideration of any ruling of the Magistrate Judge are unaffected by this order.