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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,
Petitioner,
v.
WARDEN, San Quentin State Prison,
Respondent.

No. 2:01-cv-0507 MCE DB
DEATH PENALTY CASE
ORDER

On November 5, 2019, the parties filed a joint request to modify the scheduling order issued on February 4, 2019. (ECF No. 585.) The parties move to vacate the March 30, 2020 evidentiary hearing and related deadlines. In support of their request, the parties stated that they are still in the process of taking testimony from out of state witnesses and the process is likely to extend for several more months. Additionally, respondent’s new mental health expert has yet to produce a report, and once the report is produced petitioner may need to time respond. The parties have proposed that the court set the matter for a status conference after April 24, 2020 to discuss an evidentiary hearing date and additional subsidiary deadlines.


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Good cause appearing, IT IS HEREBY ORDERED that:

1. The evidentiary hearing presently set for March 30, 2020 is vacated;
2. By January 10, 2020, the parties shall meet and confer regarding:
 - a. Remaining witness testimony to be taken prior to April 24, 2020, and
 - b. To determine if any discovery depositions of expert witnesses who will testify in person at the hearing, other than mental health experts, could also be scheduled and completed by April 24, 2020;
3. The undersigned will hold a status conference on May 1, 2020 at 10:00 a.m. in Courtroom # 27 to discuss an evidentiary hearing date and additional subordinate deadlines.

Dated: November 12, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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