

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

In response to the undersigned’s May 5, 2022, order (ECF No. 606), the parties submitted a joint statement: (1) identifying issues to be resolved prior to the evidentiary hearing; (2) matters related to taking petitioner’s deposition; (3) remaining testimony to be taken from out of state witnesses; and (4) rescheduling the evidentiary hearing. (ECF No. 607.) The court notes that petitioner has requested the court refer the case for mediation. (Id. at 5.) However, the court declines to refer the case for mediation unless both parties express a willingness to participate.


Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. The parties shall complete the deposition of petitioner on or before December 31, 2022. The parties are advised to contact the courtroom deputy to ensure the undersigned is available to rule on objections during the deposition.
2. The parties shall complete out of state witness testimony no later than December 31, 2022.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. The parties shall file a joint statement by January 6, 2023. Such statement shall set forth a plan for final discovery deadlines necessary in re-setting the evidentiary hearing, including outstanding discovery deposition as well as new and updated Rule 26 expert disclosures.

Dated: July 11, 2022



---

DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DB:12  
DB/orders-capital/riell.0507.furth.sched