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

MILTON OTIS LEWIS,

Petitioner,

No. CIV S-02-0013 FCD GGH DP

vs.

**DEATH PENALTY CASE**

JEANNE WOODFORD, Warden

Respondent.

ORDER

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The parties have submitted a stipulation concerning further proceedings regarding petitioner’s competency to proceed with this death penalty habeas corpus action.

The court approves the proposed schedule with the following modifications. Dr. Ponath shall provide a report to the court and the parties’ counsel no later than sixty (60) days from the filed date of this order, which will detail his opinions on petitioner’s present competency. No later than twenty (20) days from the service of that report, respondent shall provide his views on further proceedings, including the necessity of an evidentiary hearing. No later than twenty (20) days from the service of respondent’s briefing, petitioner shall provide his views. After receipt of petitioner’s briefing the court will schedule those proceedings which appear necessary with or without further consultation with the parties.

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1 Paragraph 10 of the stipulation (outline of protective order) is ordered to be in  
2 effect with the exception that the court will determine whether the report shall be finally sealed  
3 upon motion or stipulation of the parties. The report may be filed under seal at the same time a  
4 party(s) requests sealing pending a final determination on the request.

5 Dated: April 17, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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