

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

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**

ROBERT AYERS, Warden

Respondent.

ORDER

\_\_\_\_\_ /

There are just some expenses in a capital habeas proceeding that one is unable to anticipate. Such is the case with vouchers concurrently approved on May 27, 2011. The vast majority of all expenses have to do with allegations of petitioner's emergent incompetence to proceed in *this* habeas action. Of course, counsel did not anticipate these expenses by the very nature of the assertion, and therefore, could not budget for the prolonged proceedings entailed by the allegations nor the procedural sequelae of the court's rulings on the assertion. The expenses approved in the May 27, 2011 vouchers should not be counted against the submitted budget.

Dated: 06/01/2011

/s/ Gregory G. Hollows

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE