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

DANNIE RAY HILLHOUSE,

No. CIV S-03-0142-MCE-CMK

Petitioner,

DEATH PENALTY CASE

vs.

ORDER

MICHAEL MARTEL,¹

Respondent.

_____ /

Petitioner, a state prisoner proceeding with appointed counsel, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. A telephonic case management conference was held on May 5, 2011, before the undersigned in Redding, California. James Thomson and Hilary Sheard appeared on behalf of petitioner; Paul O'Connor appeared on behalf of respondent.

Following review of the case management conference statements, and discussion with counsel, the court has determined that the best course of action in this matter is to address the procedural defenses prior to entering Phase III.

¹ Michael Martel is now acting warden of San Quinton. Pursuant to Federal Rule of Civil Procedure 25(d), Michael Martel is substituted for his predecessor. The Clerk of the Court will be directed to update the docket to reflect the above caption.

1 Accordingly, and good cause appearing therefor, IT IS HEREBY ORDERED

2 that:

3 1. Respondent shall, within 60 days of the date of this order, file a
4 memorandum of points and authorities on his procedural defenses;

5 2. Petitioner shall file an opposing memorandum within 60 days of the filing
6 of respondent’s brief;

7 3. Respondent may file a reply brief within 30 days after the filing of
8 petitioner’s opposing brief;

9 4. A hearing on the procedural defenses shall be scheduled following
10 submission of petitioner’s opposing brief; and

11 5. The Clerk of the Court is directed to update the docket to reflect the
12 substitution of Michael Martel as respondent in this matter.

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14 DATED: May 10, 2011

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16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE
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