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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. COX,
Petitioner,
v.
WARDEN, San Quentin State Prison,
Respondent.

No. 2:04-CV-0065 MCE CKD
DEATH PENALTY CASE
ORDER

On February 26, 2014, the undersigned held a status and scheduling conference. Lissa Gardner appeared by telephone for petitioner. Robert Marshall appeared for respondent. Ms. Gardner informed the court that petitioner withdraws the unexhausted claims from the petition. The court informed the parties that the next step in these proceedings will be resolution of the issues raised by 28 U.S.C. § 2254(d).


After hearing the argument of counsel, and good cause appearing, the court hereby ORDERS as follows:

1. By March 24, 2014, respondent shall file a copy of the petition, or of the relevant pages of the petition, which reflects the withdrawal of the unexhausted claims by striking through those unexhausted portions of the petition. The unexhausted claims are those described by this court in the April 25, 2012 Findings and Recommendations, as adopted by the District Judge in his November 21, 2013 Order.

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- 2. By April 7, 2014, petitioner shall file either a notice confirming respondent's identification of the unexhausted portions of the petition or a clear, brief explanation why respondent's proposal does not conform to the Findings and Recommendations and Order. If petitioner objects to respondent's proposal, petitioner shall include copies of petition pages reflecting his understanding of the withdrawn claims.
- 3. Prior to March 24, 2014, the parties shall meet and confer regarding a schedule for completing points and authorities addressing the application of 28 U.S.C. § 2254(d) to each claim in the petition. If the parties agree upon a briefing schedule, by March 24 they shall file a joint statement describing that schedule. If the parties are unable to agree upon a briefing schedule, by March 24 each party shall file a proposed briefing schedule and a brief statement regarding the source of the disagreement.

Dated: February 27, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

cox sts.or