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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 27, 2014, the court ordered the parties to meet and confer regarding a schedule for completing points and authorities on the application of 28 U.S.C. § 2254(d) to each claim in the petition. (ECF No. 127.) On March 18, respondent filed a “Joint 2254(d) Briefing Schedule Statement.”¹ (ECF No. 128.) Respondent informs the court that the Federal Defender’s Office “decided that a new hire should take over Petitioner’s representation, and that person might begin work over the summer of 2014.” According to the joint statement, the Federal Defender’s Office informed respondent that it would not be able to complete an opening brief on the section 2254(d) issues until mid-2016.

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¹ This joint statement is signed only by counsel for respondent. The court accepts as true the representations attributed to petitioner’s counsel made therein. The court has received no separate filing from petitioner’s counsel.

1 The court understands that the Assistant Federal Defender assigned to represent petitioner
2 is currently unavailable. The court has not, however, been informed that petitioner's case would
3 be re-assigned. Further, there is no showing of good cause to allow petitioner two years to submit
4 an opening brief.

5 Within twenty days of the filed date of this order, petitioner's currently assigned counsel
6 or the head of the Federal Defender's Capital Habeas Unit shall file under seal a letter explaining
7 the status of petitioner's representation. Filing under seal is accomplished by e-mailing the letter
8 to the court's Approved/Sealed e-mail address, ApprovedSealed@caed.uscourts.gov. After
9 receipt of that letter, the court expects to schedule a status conference for discussion of filing
10 dates for the section 2254(d) briefing.

11 IT IS SO ORDERED.

12 Dated: March 26, 2014

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14 _____
CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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