

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS HOWARD LENART,
Petitioner,
v.
WARDEN, San Quentin State Prison,
Respondent.

No. 2:05-cv-1912 MCE CKD
DEATH PENALTY CASE
ORDER

On December 9, 2015, the court held a status and scheduling conference. Lissa Gardner appeared for petitioner. Wesley Van Winkle participated by telephone for petitioner. Jesse Witt appeared for respondent. After considering the parties' arguments and good cause appearing, IT IS HEREBY ORDERED as follows:

1. Within 90 days of the filed date of this order petitioner shall file a second amended petition. (See ECF No. 104.)
2. Within 180 days of the filed date of this order, respondent shall file a Notice of Lodging and lodge with the court the state court record as set out below.
 - a. The lodged record shall meet the following requirements:
 - (i) It shall contain (a) transcripts of the state trial court proceedings; (b) appellant's and respondent's briefs on direct appeal to the California Supreme Court, and the opinion or orders of that Court; and (c) petitioner's

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
27
28

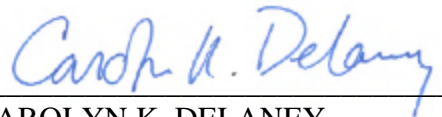
and respondent's briefs in any state court habeas corpus proceedings, and all opinions, orders and transcripts of such proceedings.

- (ii) The entire record shall be Bate-stamped. Bate-stamp numbering shall be in the format AG00001, AG00002, etc. to distinguish it from other numbering systems in the record.
- (iii) The entire record shall be scanned.
- (iv) The entire record shall be converted to an OCR format.
- (v) State sealed documents shall be lodged in paper form.

b. The Notice of Lodging shall be filed on the court's electronic filing system. Each item of the state court record shall be lodged as an attachment to the Notice of Lodging. For each separate attachment, the Notice of Lodging shall identify the attachment number, the Bate-stamp numbers, and the name of that part of the record, including its internal pagination, if any. For example, if the first attachment contains the first 300 pages of the Clerk's Transcript on Appeal, it would be identified in the Notice of Lodging as: "Attachment #1, AG00001-AG00300 (CT 1-300)." The identical identifying information shall also be included as the docket title of each electronically lodged attachment to the Notice of Lodging. To the extent possible, each separate paper volume of the state court record shall be lodged as one attachment.

3. Within 60 days of the filing of the second amended petition, respondent shall file an answer.¹

Dated: December 11, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

Lenart sch conf 2.or

¹ The court is not convinced that a traverse is necessary. After the answer is filed, the court will hold a status and scheduling conference to determine the next step in these proceedings.