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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS HOWARD LENART,
Petitioner,
v.
ROBERT L. AYERS, JR.,
Respondent.

No. 2:05-CV-01912 MCE CKD
DEATH PENALTY CASE
ORDER

In light of respondent’s answer filed on August 8, 2016 and this court’s prior scheduling order of December 11, 2015, ECF No. 163, the parties are ordered to attend a status and scheduling conference in this matter on May 16, 2018 at 10:00 a.m. in Courtroom #24. At the hearing, counsel shall be prepared to address the following issues: 1) whether a traverse is necessary in this case; 2) a timetable for briefing concerning the application of 28 U.S.C. § 2254(d) to petitioner’s claims; 3) the adjudication of procedural default and Teague based defenses raised in respondent’s answer; and, 4) any other matters the parties deem necessary to bring to the court’s attention at this time.

Prior to the hearing date, counsel are ordered to meet and confer concerning these issues. The parties are ordered to submit a joint statement to the court 7 days prior to the hearing concerning their views on these issues even if counsel may not be able to agree. With respect to any points of disagreement, counsel shall separately describe their positions in the joint statement.

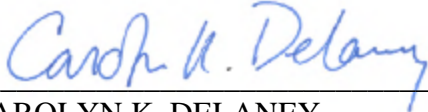
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Counsel for petitioner shall be prepared to discuss budget matters for the next phase of litigation at an ex parte session to be held after the scheduling conference.

Petitioner's counsel, Mr. Van Winkle, may participate in the status and scheduling conference by telephone. Before the close of business on May 15, 2018, Mr. Van Winkle shall contact Courtroom Deputy Kyle Owen at (916) 930-4004 to provide a phone number.

IT IS SO ORDERED.

Dated: April 6, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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