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19 Attorneys for Respondent

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 21 IN THE UNITED STATES DISTRICT COURT
 22 FOR THE EASTERN DISTRICT OF CALIFORNIA

23 THOMAS HOWARD LENART,) Case No. 2:05-cv-01912 MCE CKD
)
 24 Petitioner,) **DEATH PENALTY CASE**
)
 25 vs.)
) **[PROPOSED] ORDER STAYING HABEAS**
 26 WARDEN of the California State Prison) **CORPUS PROCEEDINGS DUE TO**
 27 at San Quentin,) **PETITIONER’S ILLNESS**
)
 28 Respondent.)
)

1 Counsel for Petitioner THOMAS HOWARD LENART and Respondent WARDEN of
2 San Quentin State Prison have filed a joint status report indicating that Petitioner Lenart has been
3 diagnosed with advanced prostate cancer and that his oncologist has concluded he has less than
4 six months to live. A copy of the oncologist's report has been provided to this Court. The
5 parties jointly request that this habeas corpus litigation be stayed in the interests of justice and
6 judicial economy pending further developments related to Petitioner's condition.
7

8 In accordance with the joint request of the parties, IT IS HEREBY ORDERED that
9 proceedings in this habeas corpus litigation, including the briefing schedule set forth in Docket
10 Numbers 201 and 217, are hereby temporarily STAYED, with the stays to become permanent
11 and litigation concluded upon Petitioner's death. Petitioner's counsel are further ordered to file
12 status reports advising this Court and opposing counsel of any changes in Petitioner's health
13 status every 90 days following the issuance of this order.
14

15 Dated: October 6, 2021

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17 _____
18 CAROLYN K. DELANEY
19 UNITED STATES MAGISTRATE JUDGE

20 Submitted by:
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