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

GLENN CORNWELL, JR.,

Petitioner,

No. 2:06-cv-00705 JAM KJN DP

vs.

DEATH PENALTY CASE

WARDEN,  
San Quentin State Prison,

Respondent.

ORDER & FINDINGS AND  
RECOMMENDATIONS

\_\_\_\_\_/

Petitioner has informed the court that the California Supreme Court resolved his state habeas petitions and thus “exhaustion, as defined in this Court’s Order of March 26, 2007 (Docket No. 22) is now completed.” (Pet’r’s Feb. 25, 2010 Status Report at 3.)

Accordingly, IT IS HEREBY RECOMMENDED that the stay of these proceedings be lifted.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be filed and served within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to

1 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).


2 In addition, IT IS HEREBY ORDERED as follows:

3 1. On March 18, 2010 at 10:00 a.m. in courtroom #25, this court will hold a case  
4 management conference. Petitioner's counsel shall be prepared to discuss whether petitioner  
5 anticipates filing an amended petition. Respondent's counsel shall be prepared to discuss a date  
6 to lodge the state court record as described in Local Rule 191(j)(1) and a date for filing the  
7 answer or other responsive pleading. In addition, in advance of the conference, both parties shall  
8 review the case management and budgeting procedures set out in the attached "Guide to Case  
9 Management and Budgeting in Capital Habeas Cases."

10 2. At the conclusion of the case management conference, respondent's counsel  
11 will be excused and the conference will continue ex parte with counsel for petitioner present to  
12 discuss budgeting procedures. Petitioner's counsel shall bring to the budgeting conference a  
13 completed Case Evaluation Form, Appendix B to the attached Guide.

14 3. In addition to serving this order upon counsel, the Clerk of the Court is  
15 directed to serve it upon Kurt Heiser, CJA Administrator, Office of the Federal Defender; and  
16 Sandy Andrews, Research and Policy Analyst, Office of the Circuit Executive.

17 DATED: March 2, 2010

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20 KENDALL J. NEWMAN  
21 UNITED STATES MAGISTRATE JUDGE

21 cornwell cmc 1.or