

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

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

DAVID ALLEN RUNDLE,

Petitioner,

No. 2:08-cv-01879 GEB KJN

vs.

DEATH PENALTY CASE

WARDEN,
San Quentin State Prison,

Respondent.

ORDER

_____ /

The undersigned held a status conference on May 20, 2011.¹ Lynne Coffin and Marcia Morrissey appeared telephonically for petitioner. David Eldridge appeared telephonically for respondent. After hearing the arguments of counsel during both this status conference and the March 31 status conference, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. By November 1, 2011, petitioner shall file a memorandum of points and authorities which addresses the applicable 28 U.S.C. §2254(d) standard(s) for each claim in the petition, including the impact of the Supreme Court’s recent decision in Cullen v. Pinholster, 131 S. Ct. 1388 (2011), and it shall include any motion for an evidentiary hearing or to expand the

¹ Prior to the status conference, the undersigned held an ex parte budgeting conference with counsel for petitioner. The court will address budgeting issues in a separate, sealed order.

1 record concerning any claim.

2 2. By January 16, 2012, respondent shall file an opposition. As discussed during
3 the March 31 conference, that opposition shall include respondent's assertion that some claims
4 are barred by the procedural default doctrine.

5 3. By February 16, 2012, petitioner shall file any reply.

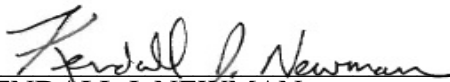
6 4. The undersigned will schedule oral argument after submission of all briefs.

7 DATED: May 20, 2011

8

9

10


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

11

12 rundle mtn for evi brf.or

13

14

15

16

17

18

19

20

21

22

23

24

25

26