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

TRESSA J. MORRISON,

Petitioner,

No. CIV S-08-3032 MCE GGH P

vs.

DEBORAH L. PATRICK, Warden,

Respondent.

ORDER

_____ /

Petitioner’s counsel has requested to be paid on an interim basis in this habeas case involving, *inter alia*, mental health issues. The request to be paid on an interim basis is understandable and is granted.

However, the bill submitted thus far (involving two submissions) is very large for a non-capital habeas case – \$49, 117.37. While the undersigned does not quibble with the perhaps complex nature of the case, the time for reading the transcript and other documents is more than can be justified.

Excluding the one entry for review of photographs, counsel reviewed 11,272 pages of transcripts and other documents in 224 hours. These numbers are computed only with

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1 respect to the second voucher submitted and are found at Section B of counsel's submission).¹
2 The review was performed at a consistent rate of approximately 50 pages per hour. While some
3 pages may require minutes of scrutiny and thought, in and of themselves, it only stands to reason
4 that a great number of transcript pages contained nothing of substance (as is often the case), and
5 could have been reviewed much more quickly. In capital cases, the approved transcript review
6 rate is an overall 60 pages per hour.

7 Therefore, the court will approve 187 hours for the second submission, Section B
8 review of records, in lieu of the 224 requested. Counsel was paid at the rate of \$110/hr. The
9 reduction amount is \$4,070.00.

10 Moreover, in light of the fact that this case has now exceeded the presumed total
11 payment for a habeas case by a factor in excess of five, and we are only at the stage where an
12 amended petition has been filed, petitioner's counsel will be required to submit a budget for
13 anticipated (as best as can be done) expenditures for the rest of the case. The expenditures
14 involve not only counsel's time but also proposed expert costs and other costs. The budget shall
15 be submitted within 28 days of the filed date of this order.

16 As this order does not reveal any work product, it shall be filed in the public
17 docket.

18 DATED: 11/03/09

19 /s/ Gregory G. Hollows

20 _____
UNITED STATES MAGISTRATE JUDGE

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¹The undersigned will make no deductions for hours documented in the first submission.