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

DARIOUS A. MAYS,

Petitioner,

No. CIV S-10-533 LKK CHS

vs.

KEN CLARK, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Darius Mays, a state prisoner, proceeds pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. At issue is his first degree murder conviction in the Sacramento County Superior Court, case number 05F01223, for which he is serving life in prison without the possibility of parole.

On October 25, 2011, respondent was ordered to furnish the court with a copy of the video recording of Detective Husted’s February 9, 2005 interview with Mays, referenced at pages 29-30 of the state court of appeal’s slip opinion. At pages 29-30 of the slip opinion and the modified slip opinion, attached to respondent’s answer as Exhibits A and B, respectively, the state court of appeal addresses Mays’s claim that he made an unequivocal request for an attorney which was allegedly not honored by Detective Husted. The state court of appeal viewed the relevant portion of the video recording of the interview and found “an enormous difference

1 between the impression of the cold written transcript and the actual interrogation on the  
2 videotape.” *People v. Mays*, C057099, Order Modifying Opinion and Denying Rehearing, slip.  
3 op. at 29-30 (Cal. Ct. App. 3rd Dist. June 5, 2009).

4 Respondent has lodged two compact discs with the court, People’s trial Exhibits  
5 69 and 74, each showing just a small portion of the interview and neither containing the portion  
6 referenced at pages 29-30 of the state court of appeal’s slip opinion.

7 Pursuant to Rules 5 and 7 of the Rules Governing Section 2254 Cases in the  
8 United States District Courts, respondent is directed to obtain and furnish to the court, within 10  
9 days of the date of this order, a video or compact disc recording of the entire interview between  
10 Detective Husted and Mays, or to show cause why a copy cannot be produced.

11 IT IS SO ORDERED.

12 DATED: January 30, 2012

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14 CHARLENE H. SORRENTINO  
15 UNITED STATES MAGISTRATE JUDGE  
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