

1 DANIEL BRODERICK, Bar No. 89424
 Federal Defender
 2 LISSA J. GARDNER, New Mexico Bar No. 9429
 Assistant Federal Defender
 3 HILARY SHEARD, Texas Bar No. 50511187
 Assistant Federal Defender
 4 801 I Street, 3rd Floor
 Sacramento, California 95814
 5 Telephone: (916) 498-6666
 Facsimile: (916) 498-6656
 6
 Attorneys for Petitioner
 7 DANNY RAY HORNING

8
 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 DANNY RAY HORNING,	)	NO. 2:10-CV-01932-JAM-GGH
)	
12 Petitioner,	)	<u>DEATH PENALTY CASE</u>
)	
13 vs.)	
	)	STIPULATION FOR AN ORDER TO
14 VINCENT CULLEN, Acting Warden,	)	SHORTEN TIME FOR HEARING
	)	ON PETITIONER’S MOTION FOR
15 San Quentin State Prison,	)	EQUITABLE TOLLING; FOR
	)	RESPONDENT TO FILE RESPONSE,
16 Respondent.	)	AND WAIVING PETITIONER’S
	)	REPLY
)	
	)	Hearing Date: Thursday, March 17, 2011
	)	Hearing Time: 10:00 a.m.
	)	Location: Courtroom 9, U.S. District Court,
	)	501 I Street, Sacramento,
	)	California 95814

20
 21
 22 Lissa J. Gardner and Hilary Sheard, counsel for petitioner, DANNY RAY HORNING,
 23 and Deputy Attorney General Robert Gezi, counsel for Respondent, stipulate to the Court issuing
 24 an order shortening time for the hearing on Petitioner’s Motion to Equitably Toll the Time by
 25 Which to File Petitioner’s Petition for Writ of Habeas Corpus.

26 Respondent’s agreement is conditioned on having a written response due on March 10,
 27
 28

1 2011, and the hearing on the motion no earlier than March 17, 2011. Petitioner will make any
2 reply orally at the hearing.

3
4
5 Dated: February 16, 2011

6
7 Respectfully submitted,

8
9 DANIEL J. BRODERICK
Federal Defender

KAMALA D. HARRIS
Attorney General of the State of California

10
11
12 /s/ Lissa J. Gardner
LISSA J. GARDNER
Assistant Federal Defender

/s/ Robert Gezi (approved 02/16/2011)
ROBERT GEZI
Deputy Attorney General

13
14 HILARY SHEARD
Assistant Federal Defender

Attorneys for Respondent

15
16 Attorneys for Petitioner
DANNY RAY HORNING

17
18 ORDER

19 Good cause appearing, and there being no opposition, it is hereby ordered that, pursuant
20 to Eastern District Local Rule 6-144(e), the time for hearing Petitioner's Motion to Equitably
21 Toll the Time by Which to File Petitioner's Petition for Writ of Habeas Corpus is hereby
22 shortened.

23 Respondent shall serve and file any response to the motion no later than 5:00 p.m.,
24 Thursday, March 3, 2011.

25 This Court will hear Petitioner's motion on Thursday, March 17, 2011, at 10:00 a.m.
26 It is so ordered.

27 Dated: February 23, 2011

/s/ Gregory G. Hollows

28 UNITED STATES MAGISTRATE JUDGE