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

DANNY RAY HORNING

Petitioner,

No. CIV S-10-1932 JAM GGH DP

vs.

**DEATH PENALTY CASE**

VINCENT CULLEN, Acting Warden  
Ca. State Prison at San Quentin,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner has filed an application for stay of execution, a request to appoint counsel, and a request to proceed *in forma pauperis*.

The Federal Defender is appointed to represent petitioner.

Petitioner is approved to proceed in this case *in forma pauperis*.

A status (scheduling) conference is set for August 19, 2010 at 10:00 a.m. in the courtroom of the undersigned. Any scheduling which makes sense in light of the circumstances of this case may be determined at that time.

Petitioner’s application for stay of execution will be deferred until such time as any proceedings have been commenced in state court to set an execution date.

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This Order shall be served upon the counsel appearing in the docket as of this date.

DATED: 07/22/2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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