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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSICA HOLMES,
Petitioner,
v.
DEBORAH K. JOHNSON, Warden,
Respondent.

No. 2:11-cv-2710 JKS KJN (HC)

ORDER

Petitioner is proceeding through counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to a limited remand by the United States Court of Appeals for the Ninth Circuit, an evidentiary hearing was held on August 22-23, 2016, on petitioner’s claim that her trial counsel rendered ineffective assistance in the course of plea negotiations. On September 1, 2016, petitioner filed a motion to reopen the evidentiary hearing and to permit discovery regarding trial Judge White’s conversation with petitioner’s trial counsel about the Ninth Circuit’s remand order. This conversation has been the subject of a previous motion filed by petitioner.

After careful review, the court does not find good cause to reopen the evidentiary hearing or to permit discovery regarding the conversation between Judge White and petitioner’s trial counsel about the remand order. Petitioner informs the court that, during the conversation in question, petitioner’s trial counsel told Judge White that if petitioner were convicted after a trial she would receive a sentence of life in prison without the possibility of parole. Even if true, this

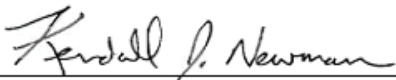
1 statement is consistent with and duplicative of testimony received during the evidentiary hearing
2 and would add nothing of substance to the outcome of these proceedings.

3 Accordingly, IT IS ORDERED that:

4 1. Petitioner's September 1, 2016 motion to reopen the evidentiary hearing and for
5 discovery (ECF No. 96) is denied.

6 2. The hearing scheduled on the court's calendar for September 26, 2016, in this matter is
7 vacated.

8 Dated: September 7, 2016

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11 KENDALL J. NEWMAN
12 UNITED STATES MAGISTRATE JUDGE
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