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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN TORRES,
Petitioner,
v.
TIM VIRGA, Warden, et al.,
Respondents.

No. 2:12-cv-1358 TLN DAD P

ORDER

Petitioner is a state prisoner proceeding through counsel with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order dated September 3, 2013, this court appointed counsel for petitioner and set the matter for a status conference to set a briefing schedule regarding the applicability of the decision in Miller v. Alabama, ___ U.S. ___, 132 S. Ct. 2455, 2469 (2012) to this case, including briefing on the issue of whether the Miller decision applies retroactively to this federal habeas action. The parties were also advised that the court would vacate the status conference if counsel agreed to a briefing schedule in advance of the hearing.

After a request for continuance, the status conference was rescheduled for October 11, 2013, at 10:00 a.m. in the courtroom of the undersigned. On October 10, 2013, the parties filed a

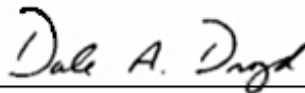
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1 stipulation and proposed order vacating the status conference and setting a briefing schedule.¹
2 Good cause appearing, the court will vacate the status conference and approve the briefing
3 schedule proposed by the parties. In addition, the parties are also requested to address in their
4 briefs the applicability of the recent decision in Bell v. Uribe, ___ F.3d ___, 2013 WL 4750069
5 (9th Cir. Sept. 5, 2013) to the issues before the court.²

6 Accordingly, IT IS ORDERED that:

- 7 1. The status conference currently scheduled for October 11, 2013 is vacated;
- 8 2. Petitioner shall file his traverse, or appropriate motion, and supplemental briefing, as
9 outlined above, on or before January 24, 2014;
- 10 3. Respondent shall file a responsive brief on or before February 24, 2014; and
- 11 4. Petitioner shall file any reply brief on or before March 10, 2014.

12 Dated: October 10, 2013

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14 _____
DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

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25 ¹ That stipulation and order reflected an incorrect case number. The parties are requested to
26 ensure that the correct case number: 2:12-cv-1358 TLN DAD P, is included on all subsequent
filings.

27 ² The parties should take note that one of the petitioners in Bell has been granted an extension of
28 time to October 10, 2013 to file a petition for rehearing en banc and the mandate in that case has,
therefore, not yet issued. See Bell v. Uribe, Court of Appeals Docket No. 11-56771, ECF No. 65.