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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

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

ORDER SETTING STATUS CONFERENCE

Petitioner is a state prisoner proceeding through counsel with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By order dated May 20, 2014, this action was stayed for sixty days and petitioner was directed to notify the court and opposing counsel of the status of several petitions for certiorari pending before the United States Supreme Court in the event that the stay had not been lifted before the period of the stay had expired. On July 14, 2014, petitioner filed the required status report. By order dated August 13, 2014, the stay was extended for another sixty days and petitioner’s counsel was directed to notify the court and opposing counsel of the current status of the petition for certiorari filed in DeMola v. Cavazos, Acting Warden, 13-10288 prior to the expiration of the stay. On October 6, 2014, petitioner’s counsel filed the required status report, explaining that the state’s response to the DeMola petition for certiorari was due on or before October 20, 2014.

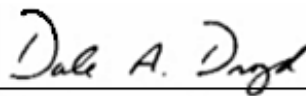
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1 By order dated October 20, 2014, this action was again stayed for an additional sixty days  
2 and petitioner's counsel was directed to notify the court and opposing counsel of the current  
3 status of the petition for certiorari filed in DeMola v. Cavazos, Acting Warden, 13-10288 prior to  
4 the expiration of the stay. On December 15, 2014, petitioner's counsel filed the required status  
5 report, explaining that the DeMola case remains pending in the United States Supreme Court and  
6 that on December 12, 2014, the Supreme Court granted certiorari in Toca v. Louisiana, \_\_\_ S. Ct.  
7 \_\_\_, No. 14-6381, 2014 WL 4743531 (Dec. 12, 2014), in order to address, among other issues,  
8 the retroactivity of the decision in Miller v. Alabama, \_\_\_ U.S. \_\_\_, 132 S. Ct. 2455 (2012).  
9 Petitioner's counsel also advised this court that petitioner expects to complete his investigation  
10 into his claim of ineffective assistance of counsel by the end of February 2015, intends to "present  
11 new sentencing mitigation and risk assessment information that could not be presented at  
12 sentencing," and plans to "pursue available habeas relief in the state courts." (ECF No. 51.)

13 After reviewing the record before the court, including petitioner's December 15, 2014  
14 status report, and good cause appearing, the court sets a status conference to discuss scheduling  
15 issues including the advisability of continuing the current stay in this matter. The filing of status  
16 reports is not required. Any party may appear at the status conference telephonically if the party  
17 pre-arranges such appearance by contacting Pete Buzo, the courtroom deputy of the undersigned  
18 magistrate judge, at (916) 930-4128, no later than 48 hours before the Status Conference; a land  
19 line telephone number must be provided.

20 Accordingly, IT IS HEREBY ORDERED that a Status Conference is set in this matter for  
21 February 13, 2015, at 10:00 a.m., in Courtroom No. 27, before the undersigned.

22 Dated: January 13, 2015

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24 \_\_\_\_\_  
25 DALE A. DROZD  
26 UNITED STATES MAGISTRATE JUDGE

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