

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN T. CARIDAD,

Petitioner,

v.

HARRY OREOL,¹

Respondent.

No. 2:14-cv-1847 KJM AC P

ORDER

In response to the court's order filed July 24, 2018, see ECF No. 112, petitioner's counsel states that she has conferred with counsel for respondent and counsel for third-party Rosenfeld, and all have agreed to the following schedule.²

Accordingly, IT IS HEREBY ORDERED that:

1. The hearing on third-party Rosenfeld's motion to quash, ECF No. 104 (and any subsequently filed motions to quash), and petitioner's anticipated motion to compel discovery,

¹ By notice filed May 29, 2018, pursuant to Fed. R. Civ. P. 25(d), Michael Barsom, Acting Executive Director of Patton State Hospital, was substituted as respondent (former respondent Harry Oreol is no longer Executive Director at Patton State Hospital). See ECF No. 102. It appears, however, that in June 2018, petitioner was transferred to Napa State Hospital. See ECF No. 103. A federal petition for writ of habeas corpus must name as respondent the state officer having custody of petitioner. See 28 U.S.C. § 2254; Rule 2(a), Rules Governing Section 2254 Cases in the U.S. District Courts; Smith v. Idaho, 392 F.3d 350, 354-55 (9th Cir. 2004); Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994). Accordingly, petitioner's counsel will be directed to identify the correct respondent.

² Petitioner's counsel notes, however, that she did not receive the signature of Rosenfeld's counsel by the filing deadline, and that James Wood, Sacramento County Counsel representing third-party Theresa Huff, "declined to participate in this conference and his signature could not be obtained." ECF No. 113 at 2.

1 shall be held before the undersigned on Wednesday, **September 12, 2018**, at 10:00 a.m., in
2 Courtroom No. 26.

3 2. Petitioner shall file and serve any motion to compel on or before **August 15, 2018**.³

4 3. Any other third-party motions to quash shall be filed and served by **August 15, 2018**.⁴

5 4. All responses to all motions to quash, and to petitioner's motion to compel, shall be
6 filed and served on or before **August 29, 2018**.

7 5. Any reply to the responses noted in Paragraph 4 shall be filed and served no later than
8 **September 5, 2018**.

9 6. Counsel for both parties and for all third parties with whom there is a discovery dispute
10 shall appear before the undersigned on Wednesday, **September 12, 2018**, at 10:00 a.m., in
11 Courtroom No. 26.

12 7. Within seven (7) days after the filing date of this order, petitioner's counsel shall file
13 and serve a notice identifying the appropriate respondent in this case. See n.1, supra.

14 IT IS SO ORDERED.

15 DATED: August 1, 2018

16 
17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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27 ³ Although petitioner has offered alternate deadlines for this matter, see ECF No. 113 at 1-2, the
28 court has chosen the latest proposed date.

⁴ Petitioner served subpoenas duces tecum on several third parties; see also n.2, supra.