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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY BUNYARD,  
Petitioner,  
v.  
RON DAVIS, Warden,  
Respondent.

No. 2:15-cv-01790 WBS AC DP  
DEATH PENALTY CASE  
ORDER

The undersigned held a first case management conference on September 18, 2015. Saor E. Stelter and Richard G. Novak appeared for petitioner. Robert C. Nash appeared for respondent. The parties stipulated that absent tolling, the federal habeas petition is due June 24, 2016. Respondent confirmed that the record received from the state court is currently in a paper format. The court informed respondent that he shall lodge the state court record electronically by Bate-stamping the entire record, scanning it, and converting it to an optical character recognition (OCR) format.

At the conclusion of the case management conference, respondent’s counsel was excused and the undersigned held an ex parte budgeting conference with counsel for petitioner. The results of that budgeting conference are covered in a separate, sealed order.

Accordingly, IT IS HEREBY ORDERED as follows:

1. By June 24, 2016, unless a different date is subsequently ordered by the court,

1 petitioner shall file the petition pursuant to 28 U.S.C. § 2254. References to the state  
2 court record in the petition shall use the identification system set out in the Notice of  
3 Lodging, described below. Each reference shall thus include the docket number for  
4 the Notice of Lodging, the attachment number, and the Bate-stamp numbers followed,  
5 in parentheses, by the abbreviated name of the volume of the record and any internal  
6 pagination. For example, if the Notice of Lodging appears as electronic court filing  
7 number 40 and the first attachment is the first 300 pages of the Clerk’s Transcript on  
8 Appeal, the citation form would be “ECF No. 40-1, AG00001-AG00300 (CT 1-300)).

9 2. By December 14, 2015, respondent shall file a Notice of Lodging and lodge with the  
10 court the state court record as specified below.

11 a. The lodged record shall meet the following requirements:

12 (i) It shall contain (a) transcripts of the state trial court proceedings; (b)  
13 appellant’s and respondent’s briefs on direct appeal to the California  
14 Supreme Court, and the opinion or orders of that Court; and (c)  
15 petitioner’s and respondent’s briefs in any state court habeas corpus  
16 proceedings, and all opinions, orders and transcripts of such  
17 proceedings.

18 (ii) The entire record shall be Bate-stamped. Bate-stamp numbering shall  
19 be in the format AG00001, AG00002, etc. to distinguish it from other  
20 numbering systems in the record.

21 (iii) The entire record shall be scanned.

22 (iv) The entire record shall be converted to an OCR format.

23 (v) State sealed documents shall be lodged in paper form.

24 b. The Notice of Lodging shall be filed on the court’s electronic filing system. Each  
25 item of the state court record shall be lodged as an attachment to the Notice of  
26 Lodging. For each separate attachment, the Notice of Lodging shall identify the  
27 attachment number, the Bate-stamp numbers, and the name of that part of the  
28 record, including its internal pagination, if any. For example, the attachment

1 identified above in paragraph 1 would be listed in the Notice of Lodging as:  
2 “Attachment #1, AG00001-AG00300 (Clerk’s Transcript 1-300).” The identical  
3 identifying information shall also be included as the docket title of each  
4 electronically lodged attachment to the Notice of Lodging. To the extent possible,  
5 each separate paper volume of the state court record shall be lodged as one  
6 attachment.

7 c. The state court record need not also be lodged on CDs, and courtesy copies on CD  
8 are *not* required.

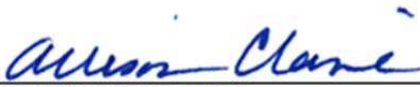
9 3. Petitioner intends to file a motion for equitable tolling. Such a motion shall be filed no  
10 later than November 16, 2015.

11 4. The answer shall be filed no later than twelve (12) months after the filing date of the  
12 petition.

13 5. The petition and answer need not include points and authorities regarding application  
14 of 28 U.S.C. § 2254(d). A briefing schedule will be set after the petition and answer  
15 have been filed.

16 IT IS SO ORDERED.

17 DATED: October 14, 2015

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19 ALLISON CLAIRE  
20 UNITED STATES MAGISTRATE JUDGE  
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