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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EUGENE G. REDMAN,,
Petitioner,
v.
DEBBIE ASUNCION,
Respondent.

No. 2:16-cv-1662 JAM GGH P

ORDER

A joint scheduling statement in this matter was filed on December 20, 2016, pursuant to the court’s order filed August 5, 2016.¹ After reviewing the joint statement, the court issues the following ORDERS:

1. Petitioner indicates that all claims appear to be exhausted. Therefore, an amended petition must be filed and served within 90 days along with any memorandum of points and authorities; respondent must file an answer or dispositive motion within 60 days thereafter; petitioner must file any reply or opposition, as appropriate, within 30 days of service of respondent’s responsive pleading; if respondent filed a motion, respondent will have 30 days after service of an opposition to file a reply.

2. If petitioner chooses to move for discovery and/or and an evidentiary hearing,

¹ Three extensions of time for filing the statement were granted by orders filed on September 2, 2016, October 12, 2016, and December 8, 2016.

1 petitioner must do so within 30 days after an answer is ultimately filed. However, petitioner should
2 be guided in this matter by Cullen v. Pinholster, 131 S.Ct. 1388 (2011), which precludes discovery
3 or an evidentiary hearing unless the court first finds the legal conclusions or the fact finding
4 process AEDPA unreasonable. See Runnigeagle v. Ryan, 686 F.3d 758, 773-74 (9th Cir. 2012).
5 Any motion for discovery/evidentiary hearing must seek an initial AEDPA finding on the law or
6 the facts.

7 Dated: December 24, 2016

8 /s/ Gregory G. Hollows
9 UNITED STATES MAGISTRATE JUDGE

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