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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERIC ROYCE LEONARD,  
  
                                Petitioner,  
  
                v.  
  
RON DAVIS,  
  
                                Respondent.

No. 2:17-cv-0796 JAM AC DP  
DEATH PENALTY CASE  
  
ORDER

The undersigned held a first case management conference on May 23, 2017. Harry Simon and John Mills appeared for petitioner. Clara Levers appeared for respondent. The parties stipulated that absent tolling, the federal habeas petition is due March 29, 2018. Respondent confirmed that he is in the process of obtaining the record from the state court. Respondent shall lodge the state court record electronically by Bates-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 March 29, 2018, unless a different date is subsequently ordered by the court, petitioner shall file the petition pursuant to 28 U.S.C. § 2254. References to the state

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

9 2. By August 31, 2017, 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 Bates-stamped. Bates-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 Bates-stamp numbers, and the name of that part of the  
28 record, including its internal pagination, if any. For example, the attachment

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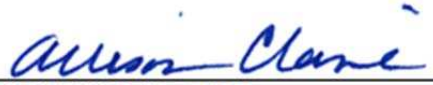
identified above in paragraph 1 would be listed in the Notice of Lodging as:  
“Attachment #1, AG00001-AG00300 (Clerk’s Transcript 1-300).” The identical  
identifying information shall also be included as the docket title of each  
electronically lodged attachment to the Notice of Lodging. To the extent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

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

- 3. Petitioner does not currently intend to file a motion for equitable tolling.
- 4. The answer shall be filed no later than twelve (12) months after the filing date of the  
petition.
- 5. The petition and answer need not include points and authorities regarding application  
of 28 U.S.C. § 2254(d). A briefing schedule will be set after the petition and answer  
have been filed.

IT IS SO ORDERED.

DATE: May 30, 2017

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE