

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OSCAR GATES,

No. C 88-2779 WHA

Petitioner,

ORDER

v.

KEVIN CHAPPELL, Warden,

Respondent.

Petitioner Oscar Gates has filed a request to shorten time to file a motion for a limited stay or, in the alternative, to certify certain questions for appellate review. Petitioner requests the Court to rule on this motion by May 15, 2014, so that he may appeal to the Ninth Circuit in advance of the May 27, 2014 due date this Court has set for initial briefing on the merits of five claims in the petition.

Petitioner's motion to shorten time is **DENIED**. Petitioner has not demonstrated the necessity for expedited briefing, and the parties are **ORDERED** to comply with the briefing schedule set by the Court's earlier Order of April 29, 2014.¹ Petitioner's motion for a limited stay or, in the alternative, to certify certain questions for appellate review, should be briefed in accordance with the schedule set forth in Local Rule 7-2.² No hearing date should be set; the Court will set a date if it finds oral argument necessary.

Petitioner has also filed a motion to clarify the Court's Order of April 29, 2014.

¹ Petitioner maintains that the five claims set for merits briefing require input from petitioner that he is unable to give. Petitioner may address that issue in conjunction with the merits briefing.


² The Court is aware that initial briefs have already been filed; the remainder of the briefing on this motion should be in accordance with Local Rule 7-2.

1 Specifically, petitioner asks the Court to clarify whether the parties are still expected to
2 continue with settlement proceedings and to clarify the scope of the examination of petitioner.
3 As the Court made clear in its Order of April 2, 2014, the parties are expected to continue
4 settlement proceedings in good faith, and are strongly urged by the Court to consider settlement
5 as a reasonable resolution to this matter. The parties are directed to continue with good faith
6 settlement proceedings for the next 60 days, and are **ORDERED** to submit a joint statement
7 regarding the status of any settlement proceedings no later than July 31, 2014. At that point, the
8 Court will determine whether settlement proceedings should continue.

9 The April 29, 2014 Order directs the parties to agree upon the procedures for
10 petitioner's examination. The Court's strong preference is for the parties to work together in
11 good faith and come to an agreement regarding the procedures for and scope of the
12 examination. If the parties cannot agree, then they may submit separate proposals, and the
13 Court will decide.

14
15 **IT IS SO ORDERED.**

16
17 Dated: May 13, 2014.

18 

19 WILLIAM ALSUP
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28