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

DENNY MICKLE,

Petitioner,

v.

ROBERT L. AYERS, Acting Warden of
California State Prison at San Quentin,

Respondent.

NO. C 92-2951 TEH

ORDER ON JOINT
CASE MANAGEMENT CONFERENCE
STATEMENT

Pursuant to the parties' Joint Case Management Statement Pursuant to Court Order of
October 1, 2009, it is hereby ordered that:

1. Following the approval of petitioner's Phase IV budget, petitioner shall have a period of 90 days to review the status of the evidence supporting his petition, including the location and availability of all lay and expert witnesses.
2. Petitioner will submit an informal request for discovery within 60 days from the completion of the petitioner's 90 day assessment of the case. Respondent will respond to petitioner's request and will make his own informal request of petitioner within 60 days of the date of petitioner's request to respondent. Petitioner will respond to respondent's request within 30 days of its submission.
3. In the event that the parties cannot agree on the informal discovery requests, the parties shall move the court to resolve any disputes within 30 days of petitioner's response to respondent's response and/or request.

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4. Upon the completion of discovery, the parties shall meet and confer in order to prepare a joint statement of disputed and non-disputed facts. The joint statement shall be filed within 45 days of the completion of discovery.
5. The evidentiary hearing will be bifurcated into guilt and penalty phases for purposes of the submission of evidence. A further joint case management statement addressing the submission of evidence shall be filed concurrently with the parties' joint statement of disputed and non-disputed facts.

IT IS SO ORDERED.



DATED: 02/04/10

THELTON E. HENDERSON
United States District Judge