Carpenter v. Brown, et al

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11	UNITED STATES DISTRICT COURT FOR THE		
12	FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO		
13)	
	DAVID J. CARPENTER,) No. C 98-2444 MMC &) No. C 00-3706 MMC	
15	Petitioner,	DEATH PENALTY CASES	
16	VS.) STIPULATION TO STAY FURTHER	
	ROBERT L. AYERS, Jr., Warden of San Quentin State Prison,	PROCEEDINGS PENDING APPEALand	
18	Respondent.) PROPOSED ORDER)	
19)		
20	Petitioner intends to take an appeal from the Court's order of August 21, 2008. 98-2444		
21	Doc. 182; 00-3706 Doc. 115. In light of the Court's expressed intention to deal with the issue of Mr.		
22	Carpenter's current competency prior to addressing Mr. Carpenter's claims for relief (Order of June		
23	19, 2008, at p. 8; 98-2444 Doc. 176; 00-3706 Doc. 109):		
24	The parties hereby stipulate that litigation of all claims and issues in this case other than		
25	the issue of Mr. Carpenter's current competency shall be deferred pending resolution of that appeal.		
26	This stipulation is without prejudice to Petitioner's motion, being filed this day, to stay		
27	the evaluation of Mr. Carpenter's current competency pending the appeal, and to Respondent's opposi-		
28	tion to that motion.		

1	Pursuant to section X.B. of General Order No. 45, Robert D. Bacon, attorney for the		
2	petitioner, certifies that concurrence in the filing of this document has been obtained from Deputy		
3	Attorneys General James William Bilderback II and Steve Oetting, attorneys for the respondent.		
4	Submitted September 3, 2008.		
5	MICHAEL M. CRAIN		
6	/s/ Robert D. Bacon ROBERT D. BACON		
7	Attorneys for Petitioner		
8	/s/ James William Bilderback II		
9	JAMES WILLIAM BILDERBACK II Deputy Attorney General Attorney for Respondent (No. 98-2444)		
11			
12	/s/ Steve Oetting STEVE OETTING		
13	Deputy Attorney General Attorney for Respondent (No. 00-3706)		
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15			
16	PURSUANT TO STIPULATION, IT IS SO ORDERED. Litigation of all claims and		
17	issues in this case other than the issue of Mr. Carpenter's current competency shall be deferred pending		
18	resolution of Mr. Carpenter's appeal from the order of August 21, 2008.		
19	Signed September <u>12</u> , 2008.		
20	Maline M. Chelry		
21	MAXINE M. CHESNEY UNITED STATES DISTRICT JUDGE		
22	UNITED STATES DISTRICT JUDGE		
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