

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
28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID J. CARPENTER,
Petitioner,
v.
ROBERT L. AYERS, Jr., Warden of
California State Prison at San Quentin,
Respondent.

NOS. C 98-2444 MMC
C-00-3706 MMC

ORDER TO MEET AND
CONFER AND TO SUBMIT
SCHEDULE

DEATH PENALTY CASES

By order filed December 2, 2008 (“Order”), this Court found petitioner competent to litigate his habeas petitions in the above-titled cases. At the time the Order issued, all proceedings in said cases had been stayed pending petitioner’s appeal to the Ninth Circuit, by which petitioner challenged the terms of the Court’s August 21, 2008 protective order. Consequently, the Order directed the parties to set a status conference with the Court once petitioner’s appeal was decided, to determine a litigation schedule for the resolution of petitioner’s remaining claims. On August 5, 2009, the Ninth Circuit denied and dismissed petitioner’s appeal. As a result, litigation of petitioner’s cases in district court is ready to resume. To date, however, the parties have not sought to schedule a status conference.

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

Accordingly, with respect to each of petitioner's cases, counsel for petitioner and counsel for respondent are hereby ORDERED (1) to meet and confer within thirty (30) days of the date of this order, and (2) within thirty (30) days thereafter to submit a litigation schedule to the Court. After receipt and review of the litigation schedule, the Court will schedule a status conference.

IT IS SO ORDERED.

DATED: November 24, 2009


MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE