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 5 TARAY T. MORRIS

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 7 UNITED STATES DISTRICT COURT
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10	TARAY T. MORRIS)	Case No.: C 06-7409-SI
11	Petitioner,)	
12	vs.)	STATUS MEMO AND
13	TONY MALFI, Warden, et al.)	PROPOSED ORDER
14	Respondent.)	
15	_____)		Judge: Hon. Susan Illston

16 Petitioner Taray T. Morris submits the following status memo to report to the
 17 Court the progress of the proposed neuropsychological examination and analysis of
 18 records. This status memo requests a slightly extended schedule for completion of the
 19 neuropsychologist's report and the Traverse, in light of a change in the doctor's
 20 schedule. The respondent has no objection.

21 On October 14, 2008, this Court authorized petitioner's counsel to retain a
 22 forensic neuropsychologist to undertake a review and analysis of medical and
 23 psychiatric records of petitioner and to conduct neuropsychological testing, toward the
 24 goal of rendering an expert opinion to the Court as to Mr. Morris's mental state and
 25 capacity, and the existence, degree and effect of brain damage at the relevant times
 26 alleged in the petition. The Court stayed petitioner's obligation to file a Traverse
 27 pending this expert analysis by order of the Court.

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1 As stated in the January 2009 status report, the neuropsychologist has informed
2 petitioner's counsel that she has completed her review of medical and psychiatric
3 records, has reached conclusions based on her analysis of these records, and is prepared
4 to state her conclusions in a declaration.

5 However, the neuropsychologist has been unable to conduct an interview in a
6 contact visit to assess petitioner's current cognitive and psychiatric functioning using
7 standardized tests. As stated in the January 2009 status report, it appears from
8 information obtained by counsel from the California State Prison Sacramento that a
9 contact visit will not be permitted until approximately June, 2009.

10 In addition, the neuropsychologist requires more time to prepare her report based
11 on the documentation, if the Court declines to allow the additional time needed to
12 conduct the testing of Mr. Morris. After the January 2009 status report was filed, the
13 neuropsychologist informed petitioner's counsel that she was scheduled to appear and
14 testify before the California Supreme Court on March 18, 2009, and would be occupied
15 with preparations for that testimony and other matters (including other habeas cases,
16 teaching at UCSF, and treating an average of 40 patients per week in private practice)
17 until the end of March. She can begin to work on her declaration in this case at that
18 time, and would make every effort to complete by the first week of May.

19 In light of this delay, and the proximity to Mr. Morris' availability for
20 neuropsychological testing in June 2009, just two months after the report/declaration
21 would likely be completed without the testing, it is respectfully requested that the Court
22 grant an additional extension of time to allow for this testing to take place.
23 Neuropsychiatric testing will allow the doctor to reach conclusions about Mr. Morris'
24 current psychological condition, to confirm her conclusions about traumatic brain
25 damage and mental illness, and to determine petitioner's probable mental condition at
26 the time of the entry of plea in this case and earlier.

27 Petitioner requests the Court to continue to extend the time for the filing of the
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1 doctor's report until thirty days after the testing is completed (which should occur in late
2 June or early July), and for counsel to file a Traverse thirty days after the doctor's report
3 has been filed. The testing takes two full days, scoring of results takes an additional 2-3
4 days, and incorporation of those results into a report will take an additional three weeks.
5 Barring unforeseen delays, it is anticipated that the Traverse should be filed in early
6 September 2009.

7 Mr. Morris continues to be incarcerated in CSP Sacramento. Deputy Attorney
8 General Michael O'Reilly has advised the undersigned that he has no objection to the
9 relief sought by this request.

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Respectfully submitted,

DATED: March 18, 2009

/S/ Suzanne A. Luban/

SUZANNE A. LUBAN
Counsel for TARAY T. MORRIS


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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TARAY T. MORRIS)	Case No.: C 06-7409-SI
Petitioner,)	
vs.)	[PROPOSED] ORDER
TONY MALFI, Warden, et al.)	
Respondent.)	Judge: Hon. Susan Illston

For Good Cause Shown, IT IS HEREBY ORDERED that petitioner’s time to file a Traverse shall be extended until 30 days after the filing of the forensic neuropsychologist’s report, which report shall be filed in approximately early August following the neuropsychologist’s examination and testing of petitioner at the prison. Petitioner’s counsel shall file a further status report to inform the Court if reasons for further delay arise.

Dated: March __, 2009



 HON. SUSAN ILLSTON
 United States District Judge