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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERNEST EDWARD DYKES,  
Petitioner,  
v.  
RON DAVIS, Warden of San Quentin State  
Prison,  
Respondent.

Case No.11-cv-04454-SI

**ORDER LIFTING STAY**

Re: Dkt. No. 72

Petitioner has filed a motion to lift the stay imposed on claim 1 of his petition. Although petitioner previously requested this stay pending the resolution of a similar claim in another capital case in this District, *Ashmus v. Davis*, C 93-594, he now would like to have this stay lifted in order to avoid piecemeal litigation of his petition, especially in light of the fact that he intends to proceed with discovery. Respondent agrees with petitioner's request, but asks that the Court set due-dates for the filing a traverse on claim 1 and for the filing of a discovery motion.

Accordingly, the Court rules as follows:

- 1) Petitioner's request to lift the stay imposed on claim 1 is granted.
- 2) Within 30 days of the date of this Order, petitioner shall file a supplemental traverse addressing claim 1, as well as a motion for discovery.

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- 3) Respondent shall file an opposition to the discovery motion within 30 days of the date of service of the motion.
- 4) Petitioner shall file a reply within 15 days of the date of service of the opposition. A hearing date shall be set if necessary.

**IT IS SO ORDERED.**

Dated: March 1, 2019



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SUSAN ILLSTON  
United States District Judge