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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MICHAEL HILL,

Petitioner,

v.

KEVIN CHAPPELL, Warden of  
San Quentin State Prison,

Respondent.

Case Number 4-94-cv-641-CW

DEATH-PENALTY CASE

ORDER DENYING PETITIONER'S  
REQUEST FOR EVIDENTIARY  
HEARING AND FUNDING

[Doc. No. 335]

The Court permitted Petitioner to serve subpoenas duces tecum on the Alameda County District Attorney and the Oakland Police Department, (Doc. No. 334), in accordance with its Order Granting Petitioner's Motion for Discovery, (Doc. No. 331). In response to the subpoenas, the District Attorney and the Police Department deposited documents with the Court's Death Penalty Staff Attorney at the courthouse in San Francisco.

It is not clear that the deposited documents constitute full compliance with the subpoenas. (See Doc. No. 335 at 4-7.) For example, the Court previously has noted the significance of witness Michael McCray (who allegedly committed the murders of

1 which Petitioner was convicted), (Doc. No. 331 at 2 n.2), and the  
2 subpoenas requested information regarding the promise not to  
3 prosecute McCray, (Doc. No. 334 at 2), yet the documents produced  
4 by the District Attorney do not include any information or any  
5 explanation for the lack of information regarding McCray.

6 Petitioner suggests that an evidentiary hearing be held  
7 regarding this matter. (Doc. No. 335 at 5-6, 7.) The request is  
8 premature. Petitioner may be able to obtain the information he  
9 seeks through informal means by contacting the attorneys who  
10 deposited the documents with the Court, Senior Deputy District  
11 Attorney James P. Meehan, and Linda M. Moroz for the City of  
12 Oakland. If that fails, Petitioner may move to take depositions,  
13 serve interrogatories, or otherwise conduct discovery.  
14 Accordingly, the Court denies without prejudice Petitioner's  
15 request for an evidentiary hearing. The Court directs Petitioner  
16 to file a status report regarding this matter within thirty days  
17 of the date of this order.

18 Petitioner also requests funds to pay for copies of the  
19 documents deposited by the Oakland Police Department. The Court  
20 handles funding requests on an ex parte basis through the Court's  
21 Criminal Justice Act Supervising Attorney. Accordingly, the  
22 Court denies without prejudice Petitioner's funding request.  
23 Petitioner may renew the request through the regular CJA process.

24 IT IS SO ORDERED.

25  
26 DATED: 2/27/2013

27   
28 CLAUDIA WILKEN  
United States District Judge