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E-Filed 9/16/2010

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

Michael Angelo MORALES,

Plaintiff,

v.

Matthew CATE, Secretary of the California
Department of Corrections and Rehabilitation, et
al.,¹

Defendants.

Case Number 5-6-cv-219-JF-HRL
Case Number 5-6-cv-926-JF-HRL

DEATH-PENALTY CASE

ORDER GRANTING MOTION TO
SHORTEN TIME FOR MOTION TO
INTERVENE AND FOR MOTION
FOR STAY OF EXECUTION

[Doc. No. 386]

Albert Greenwood Brown, a condemned inmate confined to San Quentin State Prison, moves for an order shortening time to move to intervene and to move for a stay of execution. Plaintiff Michael Angelo Morales does not oppose either the motion for an order shortening time or Brown's substantive motions. Defendants have received notice of the motions but have not yet responded to the motion for an order shortening time. Brown's execution presently is set for September 29, 2010, at 12:00 a.m.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), the named Defendants in the present action and the related action of *Pacific News Service v. Cate*, No. 5-6-cv-1793-JF-HRL, are currently Matthew Cate, Secretary of the California Department of Corrections and Rehabilitation; Vince Cullen, Acting Warden of San Quentin State Prison; and Arnold Schwarzenegger, Governor of the State of California. Cate's and Cullen's predecessors in office are no longer Defendants.

1 In order to permit orderly consideration of Brown's substantive motions, and good cause
2 appearing therefor, the motion for an order shortening time will be granted. Defendants shall
3 respond to Brown's motion to intervene and motion for a stay of execution not later than 5:00
4 p.m. on September 17, 2010. Brown (and Plaintiff) may reply to Defendants' response not later
5 than 10:00 a.m. on September 20, 2010. The Court will hear argument on Brown's motions at
6 the status conference already set in this action for September 21, 2010, at 3:00 p.m.

7 IT IS SO ORDERED.

8
9 DATED: September 16, 2010

10 
11 JEREMY FOGEL
12 United States District Judge