

E-Filed 10/5/2010

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

Michael Angelo MORALES and Albert
Greenwood Brown,

Plaintiffs,

v.

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

Defendants.

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

DEATH-PENALTY CASE

SCHEDULING ORDER

Good cause appearing therefor, the Court enters the following scheduling order:

1. Plaintiffs shall file an amended complaint setting forth their claims with respect to California's new lethal-injection regulations on or before Friday, October 8, 2010;
2. Defendants shall respond to the amended complaint on or before Monday, October 25, 2010;
3. The parties shall complete discovery on or before Friday, December 3, 2010;
4. The parties shall submit simultaneous briefing on or before Monday, December 20, 2010, addressing the need for and timing of a further evidentiary hearing (including but not limited to proceedings to be held at San Quentin State Prison), the issues to be addressed at such a hearing, and the amount of court time required for such a hearing;

1 5. On an ongoing basis, Defendants shall keep the Court fully informed of the status of
2 any orders they have placed for sodium thiopental.

3 It is the Court's understanding that Defendants will not seek to obtain any execution dates
4 until at least thirty days after the conclusion of any further evidentiary hearing in the present
5 action. The Court intends to resolve this action as expeditiously as possible, and it expects that
6 this order will not have any actual effect upon the scheduling of future executions, as Defendants
7 have represented that they will be unable to carry out any executions until after they replenish
8 their supply of sodium thiopental once "additional supplies [become] available in the first quarter
9 of 2011." (Doc. No. 420 at 2.)

10 IT IS SO ORDERED.

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12 DATED: October 5, 2010

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14 JEREMY FOGEL
15 United States District Judge
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