

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DELANEY GERAL MARKS,
Petitioner,
v.
RON DAVIS, Acting Warden of California
State Prison at San Quentin,
Respondent.

Case No. 11-CV-02458-LHK
DEATH PENALTY CASE
ORDER RE CASE MANAGEMENT
CONFERENCE

The Court is in receipt of the parties' joint case management statement in preparation for the case management conference scheduled to be held on August 13, 2015, at 1:30 p.m. Absent an extraordinary reason, the Court is not inclined to entertain Petitioner's potential motion for leave to file a motion for reconsideration of the Court's Order of June 25, 2015.

The Court has also reviewed the Petition and other records in this matter. For the purposes of efficiency, and to avoid the need for oversize briefs, the Court hereby ORDERS the parties to meet and confer and submit a briefing schedule to resolve the record-based claims in the Petition.¹ Furthermore, Jones v. Chappell, 31 F. Supp. 3d 1050 (C.D. Cal. 2014), which held that inordinate

¹ The parties originally agreed that Petitioner would file a motion for evidentiary hearing on all claims; the Court finds that is not the most prudent way to proceed at this juncture.

1 delay in California’s death system violates the Eighth Amendment’s prohibition against cruel and
2 unusual punishment, is currently on appeal to the Ninth Circuit. Since Jones may impact
3 Petitioner’s penalty phase claims, the parties should first brief Petitioner’s record-based guilt
4 phase claims.

5 The parties’ proposed litigation schedule should be submitted to the Court no later than
6 Tuesday, August 11, 2015.

7 **IT IS SO ORDERED.**

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9 Dated: August 6, 2015

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LUCY H. KOH
United States District Judge