UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MICHAEL JOSEPH MULDER, Petitioner, vs. E.K. McDANIEL, *et al.*, Respondents.	)	3:09-CV-00610-PMP-RAM **ORDER**

In this action brought under 28 U.S.C. § 2254, petitioner Mulder, through counsel, has made a motion for a stay pursuant to *Rohan ex rel. Gates v. Woodford*, 334 F.3d 803 (9th Cir. 2003), which requires a court to stay capital habeas proceedings upon a showing that the petitioner is incompetent. Docket ##18/19. For reasons set forth in this court's order of January 11, 2011, Mulder has made a threshold showing sufficient to warrant a competency determination. Docket #43. As such the court has scheduled an evidentiary hearing, scheduled to commence on July 12, 2011, to determine whether Mulder is competent to proceed with this habeas action.

In order to allow the court and the parties to prepare for that hearing, each party shall submit pre-hearing briefs containing the following:

(1) A statement of facts to be proved at the hearing;

(2) Issues of law involved in the proceeding, including citations to the latest legal authority;

(3) A list of the witnesses to be called at the hearing (specify if expert and what field), a brief statement as to the substance of each witness's testimony, and an estimate of how much time will be required to present that testimony;

(4) A list of documents and/or physical evidence and the intended purpose of each;

(5) Evidentiary issues counsel anticipates may arise and the legal authorities counsel relies upon in support of his or her position; and

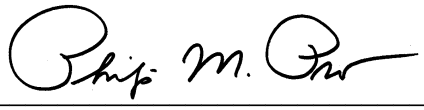
(6) Any other matter that either party wishes to address relative to the hearing.

Each party shall also file a response to the opposing party's pre-hearing brief, which shall include opposing factual and legal contentions, as well as objections to evidence that the other party intends to present. The response shall also include stipulations to any matters or evidence as to which there is no genuine issue or which counsel does not intend to contest.

IT IS THEREFORE ORDERED that each party shall file a pre-hearing brief as discussed above on or before **June 20, 2011**.

IT IS FURTHER ORDERED that each party shall file its response to the other party's brief on or before **June 30, 2011**.

DATED: June 8, 2011.



UNITED STATES DISTRICT JUDGE