

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DAMIAN GARCIA,

Petitioner,

No. 1:17-cv-691-MCA-KRS

v.

TODD GEISEN, Captain/Warden Bureau of Indian Affairs, Office of Justice Services, Division of Corrections, ROBERT CORIZ, Governor, Kewa Pueblo, ESQUIPULA TENORIO, Lieutenant Governor, Kewa Pueblo, all in their individual and official capacity, and DEAN OWEN,

Respondents.

**ORDER SETTING EVIDENTIARY HEARING, BRIEFING SCHEDULE,  
AND RELATED DEADLINES**

**THIS MATTER** comes before the Court *sua sponte* following the telephonic status conference held on January 10, 2018. During the conference, the parties and Court discussed the scheduling of an evidentiary hearing on Petitioner's writ of habeas corpus, the need for additional briefing on certain points related to the parties' positions, and an abbreviated timeframe for briefing. To streamline the process and ensure the hearing moves expeditiously now that availability of court resources has been confirmed, the Court sets the below hearing-related management deadlines and requirements.

**IT IS, THEREFORE, ORDERED** that an evidentiary hearing on the merits of the Petition (Doc. 1) is scheduled for **February 8, 2018**, beginning at **1:15 p.m.** in the Chama Courtroom of the Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd NW, Albuquerque, NM 87102.

**IT IS FURTHER ORDERED** that the parties file witness and exhibit lists with Court **on or before February 1, 2018**.

**IT IS FURTHER ORDERED** that **on or before January 26, 2018**, Petitioner and the Pueblo Respondents file briefs on the following issues: (a) the requirements of an enforceable waiver of rights, and specifically in connection with the right to assistance of counsel and the right to a six-person jury trial; and (b) whether waiver is possible where a Pueblo authority does not recognize those rights. If the Government takes a position on any of the issues, the Government may file a brief as well.

**IT IS FURTHER ORDERED** that **on or before February 2, 2018**, the parties may, but are not required to, file respective response briefs on the issues raised.



KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE