

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LARRY GAPEN,

Petitioner,

:

Case No. 3:08-cv-280

- vs -

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

DAVID BOBBY, Warden,

Respondent.

:

ORDER

This case is before the Court on the parties Joint Agreement for Viewing and Photographing Physical Evidence [24].

Accordingly, it is ORDERED, pursuant to agreement, that representatives from both parties are to appear in the chambers of Magistrate Judge Michael R. Merz, Room 505, 200 West Second Street, Dayton, Ohio 45202 on Tuesday, May 12, 2009, at 10:00 a.m. to review and photograph the physical evidence, and for Petitioner to videotape or digitally record the entire process.

April 16, 2009.

s/ Michael R. Merz
United States Magistrate Judge