

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

[REDACTED],

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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MISCELLANEOUS CASE NO.

[REDACTED]

DEATH PENALTY

ORDER

The Court having considered Petitioner's *pro se* letter/motion requesting the appointment of counsel, filed on August 1, 2008, and the Motion for Appointment of Counsel filed by state-appointed counsel on August 4, 2008, is of the opinion that the requests for the appointment of counsel to represent [REDACTED] in federal habeas corpus proceedings should be granted.

IT IS, THEREFORE, ORDERED:

1. The Clerk shall caption this petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 [REDACTED], *Director, Texas Department of Criminal Justice, Correctional Institutions Division*" and assign it CIVIL ACTION NO. [REDACTED].
2. Miscellaneous Case [REDACTED] is closed.
3. Petitioner is granted leave to proceed in forma pauperis without filing further documents.
4. Attorneys [REDACTED] are appointed to represent Petitioner in the above-referenced proceeding, including any appeal therefrom.

5. The Clerk shall furnish Petitioner's attorneys with a § 2254 petition form and the appropriate CJA forms. The attorneys are referred to the Local Rules of Practice for the Northern District of Texas, the Attorneys' Handbook, and the Local Rules for the undersigned judge, which are accessible on this court's website, *www.txnd.uscourts.gov*.

6. CJA vouchers, whether interim or final, will not be considered until a voucher for the applicable period has been submitted by both attorneys.

7. Pursuant to Rule 16(b), F.R.C.P., the Court establishes the following schedule for this case:

a. Petitioner shall file his petition on the § 2254 form required by Local Rule 5.4 (Miscellaneous Order No. 13 entered on November 18, 1999), on or before 9:00 a.m. on Monday, January 12, 2009. The petition shall set forth all the grounds for relief which are available to the Petitioner under the Constitution or laws or treaties of the United States and of which he has, or by the exercise of reasonable diligence should have, knowledge and shall set forth in summary form the facts supporting each of the grounds thus specified. It shall also state the relief requested. A supporting brief setting forth all arguments shall be filed simultaneously with the petition.

NO EXTENSIONS SHALL BE GRANTED.

b. Petitioner shall serve a copy of the petition by certified mail on the Respondent and the Attorney General of the State of Texas.

c. Respondent shall file the state court record on or before 9:00 a.m. on Friday, February 27, 2009. The state court record shall be bound and indexed.

d. Respondent shall file its answer on or before 9:00 a.m. on Friday, February 27, 2009. The answer shall restate verbatim each point raised in the petition (in exactly

the same order as listed in the petition) and shall set forth a specific response to each individual point seriatim. Each point shall be addressed separately and no response may be combined with any other response. The answer must comply with Rule 5 of the Rules Governing Section 2254 Cases.

e. Petitioner shall file a reply on or before 9:00 a.m. on Friday, March 20, 2009.

No new grounds may be raised in the reply.

f. No witnesses will be permitted without leave of court. Any motions for leave or motions for writs of habeas corpus ad testificandum must be filed on or before 9:00 a.m. on Friday, March 20, 2009, and must specifically set forth the names, addresses, and a brief summary of the expected testimony of each witness.

g. Responses to motions for leave or motions for writs of habeas corpus ad testificandum must be filed on or before 9:00 a.m. on Monday, March 30, 2009.

h. Counsel shall file their proposed findings of fact and conclusions of law (and shall provide the Court with a diskette of same) on or before 9:00 a.m. on Wednesday, April 15, 2009.

i. This case is set for hearing in the United States District Court at Lubbock, Texas, on Friday, the 1st day of May, 2009, at 9:00 o'clock a.m. The parties will be prepared to present arguments at this hearing.

8. No formal discovery shall be conducted by the parties. However, the parties are expected to exchange information on an informal basis.

9. Counsel are expected to cooperate with each other in clarifying the issues and exchanging information. Specifically, counsel must strictly comply with the mandates set forth in

Dondi Properties Corp. v. Commerce Savings and Loan Ass'n, 121 F.R.D. 284 (N.D. Tex. 1988)
(en banc).

10. Counsel are referred to the Local Rules of the Northern District of Texas, the Civil Justice Cost and Delay Reduction Plan of the Northern District of Texas, and the Local Rules of this Court. The Court will consider appropriate sanctions against any attorney who fails to follow these rules and mandates.

Dated August 27, 2008.


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UNITED STATES DISTRICT COURT