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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

Michael Angelo MORALES,  
Plaintiff,

v.

James E. TILTON, Secretary of the California  
Department of Corrections and Rehabilitation, et  
al.,  
Defendants.

Case Number 5-6-cv-219-JF-RS  
Case Number 5-6-cv-926-JF-RS

DEATH-PENALTY CASE

ORDER GRANTING PARTIES'  
JOINT REQUEST TO VACATE  
CASE-MANAGEMENT SCHEDULE

[Docket Nos. 341 & 368]

The present action involves an Eighth Amendment challenge to California's lethal-injection protocol. The Court has established a case-management schedule including a discovery cut-off date of November 16, 2007, a site visit at San Quentin State Prison on November 19, 2007, and a further evidentiary hearing on December 10 and 11, 2007.

On October 31, 2007, the Superior Court of the State of California in and for the County of Marin enjoined implementation of the current version of the lethal-injection protocol based upon its conclusions that Defendants were required to and did not comply with California's Administrative Procedures Act, Cal. Gov't Code § 11346 et seq. (West 2007), when they promulgated the protocol. *Morales v. Cal. Dep't of Corr. & Rehab.*, No. CV061436 (Cal. Super. Ct. Marin County Oct. 31, 2007). Following the issuance of the Superior Court's order, all parties filed a statement with this Court whereby they jointly request that discovery be stayed and

1 that the present case-management schedule be vacated.<sup>1</sup>

2 Without making any findings or reaching any conclusions as to the appropriateness of or  
3 need for any changes to the schedule in this action, the Court will defer to the request made by  
4 the parties. Accordingly, and good cause therefor appearing, the parties' joint request as  
5 described above is hereby granted. Plaintiff's pending application to vacate dates is terminated  
6 as moot. Counsel shall appear at a status conference on Thursday, January 17, 2008, at 2:00  
7 p.m., and shall advise the Court as to any intervening legal developments affecting this action.

8 IT IS SO ORDERED.

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10 DATED: November 5, 2007

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12 JEREMY FOGEL  
13 United States District Judge

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28 <sup>1</sup>Plaintiff additionally requests that this action be formally designated as "stayed."