

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ERNEST DEWAYNE JONES,)	CASE NO. CV 09-02158 CJC
Petitioner,)	
v.)	DEATH PENALTY CASE
KEVIN CAPPELL, Warden)	ORDER DIRECTING
of California State)	PETITIONER TO FILE
Prison at San Quentin,)	AMENDMENT TO PETITION
Respondent.)	

This Court believes petitioner may have a viable claim for habeas relief based on the long delay in the execution of his death sentence as a result of the extremely protracted nature of post-conviction proceedings in state and federal court in his case, coupled with the grave uncertainty of not knowing whether his execution will ever, in fact, be carried out. See, e.g., Gomez v. Fierro, 519 U.S. 918, 918-19 (1996) (Stevens, J., dissenting); Ceja v. Stewart, 134 F.3d 1368, 1369-78 (9th Cir.) (Fletcher, J., dissenting), cert. denied, 522 U.S. 1085 (1998).

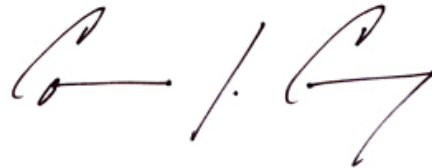
1 THEREFORE, THE COURT ORDERS:

2 1. Within 14 days of the filing date of this Order,
3 petitioner shall serve and file an amendment to his
4 operative petition for writ of habeas corpus alleging s
5 claim that the long delay in execution of sentence in his
6 case, coupled with the grave uncertainty of not knowing
7 whether his execution will ever, in fact, be carried out,
8 renders his death sentence unconstitutional.

9 2. In the briefing contemplated by this Court's Order of
10 April 10, 2014, the parties shall address, in addition to
11 the issues raised in that order, whether petitioner's new
12 claim states a viable basis for granting habeas corpus
13 relief.

14
15 IT IS SO ORDERED.

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17 Dated: April 14, 2014.



Cormac J. Carney
UNITED STATES DISTRICT JUDGE