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IN THE SUPREME COURT OF THE STATE OF IDAHO

THOMAS EUGENE CREECH,	)	
	)	SUPREME COURT NO. 50336-2022
Plaintiff-Appellant,	)	
	)	
v.	)	Case No. CV01-22-9424
	)	
	)	BRIEF IN SUPPORT OF MOTION TO
	)	STAY EXECUTION
STATE OF IDAHO,	)	
	)	
Respondent-Appellee.	)	(CAPITAL CASE)
	)	EXECUTION SCHEDULED FOR
	)	NOVEMBER 8, 2023

Appellant Thomas Eugene Creech respectfully asks this Court for an order staying his execution until his current appeal is finalized and a remittitur is issued. Mr. Creech makes this application for a stay under I.C. § 19-2715(1), and provides this Brief in Support, detailing the many reasons why the Court should issue a stay.

I. Background

Mr. Creech pled guilty to first-degree murder in Ada County case number 10252 in 1981, and was subsequently sentenced to death by Judge Newhouse in 1982. This Court originally affirmed the judgment and conviction in May of 1983, *see State v. Creech*, 105 Idaho 362 (1983), and affirmed the district court's denial of post-conviction relief in June of 1985. *See State v.*

Creech, 109 Idaho 592 (1985). Mr. Creech's original Petition for Writ of Habeas Corpus was filed in January of 1986, and relief was quickly denied. *See Creech v. A.J. Arave*, D. Idaho Case No. 86-1042. However, the Ninth Circuit later granted Mr. Creech sentencing relief in March of 1991. *See Creech v. Arave*, 94 F.2d 873 (9th Cir. 1991), Case No. 86-3983. The United State Supreme Court reversed the Ninth Circuit's judgment in part, but left the grant of sentencing relief in place. *See Arave v. Creech*, 507 U.S. 463 (1993).

Mr. Creech renewed a previous motion to withdraw his guilty plea, as well as other new grounds for relief, but the state district court denied his motion, and imposed a new death sentence on April 17, 1995. The representation Mr. Creech received at this sentencing is one of the main subjects of Mr. Creech's current post-conviction challenge. In May of 1995, Mr. Creech sought post-conviction relief, which was denied by the district court, *see Creech v. State*, Ada County Case No. SPOT9500154D, and affirmed by this Court in *State v. Creech*, 132 Idaho 1 (1998). Mr. Creech's efforts to challenge his trial counsel's effectiveness not raised in his initial petition due to ineffective post-conviction counsel were turned away by this Court. *See Creech v. State*, 137 Idaho 573 (2002).

After the United States Supreme Court issued its decision in *Shinn v. Ramirez*, 142 S. Ct. 1718 (2022), Mr. Creech filed a successive petition for post-conviction relief (Petition) on June 30, 2022. *See* Ada County case no. CV01-22-9424. The district court summarily dismissed Mr. Creech's Petition as time-barred without reaching the merits of his claims. The appeal in the above-numbered matter challenges the district court's summary dismissal of Mr. Creech's Petition. Mr. Creech filed his Appellant's Brief on September 8, 2023, the State filed a Respondent's Brief on September 21, 2023, and Mr. Creech filed his Reply Brief on October 12, 2023. This Court denied the State's Motion to Expedite Oral Argument.

On October 12, 2023, the State sought and obtained a death warrant for the execution of Mr. Creech, to be carried out on November 8, 2023. *See* Exhibit A, Death Warrant in Case No. CR-FE-0000-10252, signed October 12, 2023. The warrant appears to address only the result of

Mr. Creech's federal habeas corpus litigation where a petition for writ of certiorari was denied by the United States Supreme Court. The State immediately obtained a death warrant.

Of some concern to undersigned counsel is the fact that Mr. Creech's attorneys at the Idaho State Appellate Public Defender (SAPD) have still not been served with a copy of the Death Warrant as of the time of this filing, nor provided a courtesy copy by the Attorney General, the Fourth District Court Clerk, or the Idaho Department of Correction, even though the SAPD is the attorney of record for Mr. Creech in the above-captioned matter—his only open case. As a result, counsel at the SAPD are the only attorneys who can seek a stay on Mr. Creech's behalf before this Court. But for the courtesy of Mr. Creech's counsel in federal court, it is unclear when—or if—the SAPD would have received notice of the signed warrant of execution from the State.

II. Argument

Idaho's relevant statutes provide for a mandatory and automatic stay of execution so long as Mr. Creech has an unresolved appeal premised on the special appellate and post-conviction procedure for capital cases. In addition, a stay is prudent when weighed against other community and state interests.

A. A Stay of Execution is Necessary

A stay of execution is necessary both under the law and as a practical matter in order to allow Mr. Creech to present his current questions to this Court before they are mooted by a premature execution.

Mr. Creech invokes a stay of execution by right so long as his current appeal before this Court is unresolved. Idaho's execution statutory scheme insists that

no further stays of execution shall be granted to persons sentenced to death **except that a stay of execution shall be granted during an appeal taken pursuant to section 19-2719, Idaho Code, during the automatic review of judgments imposing the punishment of death provided by section 19-2827, Idaho Code, by order of a federal court or as part of a commutation proceeding pursuant to section 20-1015, Idaho Code.**

I.C. § 19-2715(1) (emphasis added). The plain language of the statute notes four circumstances in list-form under which a stay may be granted: (1) where an appeal is taken under Idaho Code § 19-2719, (2) during automatic review under Idaho Code § 19-2827, (3) by federal court order, **or** (4) during commutation proceedings.

Notably, the State misrepresents I.C. § 19-2715 in its recent Response to Petitioner-Appellants' Motion for Third Extension of Time for Filing Appellants' Brief, filed August 28, 2023, at p.3. There, the State selectively quotes the statute, representing that "except for the 'automatic review judgments imposing the punishment of death provided by section 19-2827,' I.C. § 19-2715(1) prohibits stays of execution." This is a clear misquoting of the relevant passage, selectively omitting other important grounds for a stay. The State again misreads the same section in its Brief in Support of Respondent-Appellee's Motion to Expedite Oral Argument (*hereinafter* Motion to Expedite), filed Sept. 21, 2023, at p.5. There, the State asserts that "because the unitary appeal pursuant to I.C. § 19-2719 has already taken place, 'no further stays of execution shall be granted,' unless a federal court enters a stay or Creech commences 'a commutation proceeding.' I.C. § 19-2715(1)." However, § 19-2715 nowhere mentions the "unitary appeal" included in § 19-2719(6), and the State's Motion to Expedite ignores that § 19-2719(5) is also part of the "Special Appellate **and Post-conviction** Procedure for Capital Cases" represented by the entirety of § 19-2719.

From the legislative history of I.C. § 19-2715, it is clear that the legislature intended four clear and separate circumstances under which stays of execution **shall** be granted. When this provision of the statute was adopted in 1984, the legislature only intended courts to honor stays under two circumstances: "a stay of execution **shall** be granted during an appeal taken pursuant to section 19-2719, Idaho Code, **and** during the automatic review of judgments imposing the

punishment of death provided by section 19-2827, Idaho Code.” (Emphasis added). *See* Exhibit B, Legislative History, 1984 Idaho Session Laws Ch. 159 (S.B. 1345), p.002. These were two distinct instances in which stays could be granted, separated with an “and.” When the statute was amended in 2012, the legislature added two additional circumstances under which stays of execution would be granted: if a federal court issued a stay, or where it came as part of a commutation proceeding. *See* I.C. § 19-2715(1) (recognizing “[A] stay of execution **shall** be granted . . . by order of a federal court **or** as part of a commutation proceeding pursuant to section 20-240, Idaho Code.”); 2012 Idaho Laws Ch. 84 (S.B. 1266) (emphasis added).

When interpreting a statute, this Court has indicated that its objective is “to derive the intent of the legislative body that adopted the act” and “begins with the statute’s plain language.” *State v. Taylor*, 160 Idaho 381, 385 (2016) (internal citations omitted). This Court “considers the statute as a whole, and gives words their plain, usual, and ordinary meanings.” *Id.* (citing *State v. Owens*, 158 Idaho 1, 3 (2015)). By adding an “or,” the legislature clearly contemplated death warrants would be stayed under the original two circumstances—an appeal pursuant to § 19-2719 and during the automatic review of judgment—and then created two additional circumstances where stays would be recognized in state courts. To read the list of circumstances where state stays would be valid as requiring that all of the preceding conditions be met would fly in the face of the plain language of the statute. The plain language of § 19-2715 clearly indicates that a stay of execution “shall be granted during an appeal taken pursuant to section 19-2719, Idaho Code” notwithstanding the other three circumstances that might also occasion a stay of execution.

The plain language of the statute declares that “a stay of execution **shall** be granted” when there is an appeal pursuant to § 19-2719. As noted above, Mr. Creech’s current appeal before this

Court, in the captioned case number 50336-2022, pre-existed the current warrant.¹ The only remaining question is whether the above-captioned case is one filed “pursuant to § 19-2719.” The plain language of his legal filings reflects a clear and plain answer: it absolutely is.

In essence, Mr. Creech’s instant appeal asks the question, “was his successive post-conviction petition timely filed pursuant to I.C. § 19-2719?” Mr. Creech filed an Appellant’s Brief on September 8, 2023. In that brief, he included several substantive references to Idaho Code § 19-2719. Mr. Creech argues that the district court’s summary dismissal of his Petition was erroneous under the triggering date requirements established by § 19-2719, along with the available exceptions. (*See App. Br.*, p.17.) He raises the timeliness of claims under § 19-2719, and whether a failure is characterized as a waiver or a forfeiture. (*See id.*, pp.16, 37.) He addresses the 42-day time limit established by § 19-2719. (*See id.*) He argues that there exists a triggering event that renders his successive petition timely under the 42-day rule. (*See id.*, p.18.) And he later argues that this Court has recognized a statutory right to counsel in capital post-conviction cases. (*See id.*, p.36.) Not only is Mr. Creech’s current appeal built under the framework set out in § 19-2719, his underlying Petition was filed and litigated “pursuant to Idaho Code §§ 19-2719 and 19-4901.” (*See R.*, p.2523, ¶1.) The same code section was later invoked in his petition regarding successive petitions and the timeliness of those petitions under § 19-2719(5). (*See R.*, pp.2545-46, ¶¶24, 25.) There is no doubt that Mr. Creech’s current appeal has been “taken pursuant to section 19-2719.” At every step along the way it certainly was.

In essence, the substance of Mr. Creech’s current appeal before this Court is that his “successive post-conviction petition” qualifies under I.C. § 19-2719(5)(a). For this Court to deny

¹ Given that timing, the State cannot argue that Mr. Creech’s successive post-conviction case filed on June 30, 2022, nor his appeal from that denial, were filed only to game the system in order to obtain a stay of execution.

his motion and determine that a stay is not applicable under § 19-2715(1) would prematurely determine a disputed and undecided issue on appeal. Until this Court decides that issue, Mr. Creech has a current appeal “taken pursuant to section 19-2719,” which is titled the “Special Appellate **and Post-conviction** Procedure for Capital Cases.” (Emphasis added.)

In short, Mr. Creech has identified a concrete argument that, if accepted by this Court, would require the district court to address the merits of his Petition. As such, he has a formidable basis to bring the current appeal. He should therefore, at the very least, have an opportunity to pose the question to this Court without facing an execution that would moot his appeal before it is decided.

Because executions are irrevocable, capital cases demand a “correspondingly greater degree of scrutiny.” *California v. Ramos*, 463 U.S. 992, 998-99 (1983). Here, such scrutiny requires that Mr. Creech be permitted to fully exercise his appellate rights before those rights, and his case, are extinguished by his premature execution.

B. Weighing Competing Factors

If the Court engages in any balancing test, evaluating the harms to the parties and the public interest in determining the propriety of a stay of execution, these factors all militate in favor of granting a stay. Mr. Creech will be executed absent a stay, which is the greatest and most irrevocable harm imaginable. *See Gregg v. Georgia*, 428 U.S. 153, 187 (1976) (“There is no question that death as a punishment is unique in its severity and irrevocability.”); *see also Wainwright v. Booker*, 473 U.S. 935, 935 n.1 (1985) (Powell, J., concurring) (observing that irreparable harm in the absence of a stay of execution “is necessarily present in capital cases.”).

By contrast, the State would suffer no measurable prejudice if the stay were issued. Mr. Creech has been under a death sentence for decades. A stay of execution for a few more

months to allow Mr. Creech to litigate the substantial issues encompassed in his current appeal will do the State no harm. *See Mikutaitis v. United States*, 478 U.S. 1306, 1309 (1986) (Stevens, J., in chambers) (granting a stay and emphasizing that the government would not “be significantly prejudiced by an additional short delay.”).

The public interest also favors a stay of execution. Although Mr. Creech acknowledges one view that the public has an interest in carrying out death sentences, a stay will not interfere with that interest. If Mr. Creech is granted a stay pending the resolution of his current appeal, his death sentence will remain in effect. The only purpose of a stay is to allow the appellate process to run its normal course and for Mr. Creech’s current challenges to receive a full airing before this Court. Should his claims fail on appeal, the State can still obtain a death warrant for Mr. Creech, assuming no other legal obstacles are in place.

And finally, the State has argued that “[t]he delays associated with the filing of these successive post-conviction petitions has clearly thwarted the underlying policies of I.C. § 19-2719.” (Motion to Expedite, p.5.) However, the public’s interest in finality now is also substantially diminished by the fact that the State is responsible for a significant amount of the delay that has occurred in this case over the years. The State has sought and obtained a death warrant, knowing that Mr. Creech has an outstanding appeal before this Court. However, one significant reason that Mr. Creech has not yet been executed is that he has had challenges to his convictions and death sentences pending in federal and state court. Over the course of that lengthy history, the State has sought and obtained numerous extensions of its own. While Mr. Creech was litigating his various ineffective assistance of counsel claims and other issues in federal court in the habeas proceedings that followed the resentencing, the State sought and obtained at least thirty-six (36) extensions of time, totaling approximately 1,062 days—or 2.91 years of additional time.

(See Exhibit C.²) And those totals are only looking at his federal court delays attributable to the State, which does not contemplate any attempts to extend deadlines in the various state cases or prior federal habeas reviews. Although the lengthy history of Mr. Creech’s case can be attributed to a host of factors—including the fact that his original death sentence was found unconstitutional in a final ruling from the federal courts more than ten years after his original sentencing—one cannot argue that all of the delay is due to Mr. Creech alone.

With each deadline the State asked to move, it participated in delaying the day on which Mr. Creech would be put to death. It did so because its interest in being fully heard on its arguments outweighed its interest in a “speed at any cost” approach. The same calculus applies now on Mr. Creech’s behalf. His interest in receiving thorough appellate consideration of his current claims outweighs any interest in hastening the case to its end. Just as the State did in the collateral federal cases challenging Mr. Creech’s convictions and death sentence, all litigants require time to research and craft pleadings to raise the arguments they are legally entitled to make. The State received such time in ample measure in prior proceedings, and Mr. Creech should be afforded the modest allotment of time here to obtain a decision on the merits of his arguments, which represents the meaningful appellate review that is his due.

Furthermore, the public interest is always served when the Constitution is vindicated, *see Gannett Co., Inc. v. DePasquale*, 443 U.S. 368, 383 (1979), which in this instance requires a consideration of Mr. Creech’s serious claims before he is executed. A stay merely “preserve[s] the

² Exhibit C, Combined Federal Docket in District of Idaho case number 1:99-cv-00224-BLW and Ninth Circuit Court of Appeals docket number 10-99015. In the attached highlighted version of the combined federal case dockets, the State appears to have made 22 requests before the federal district court for extensions of time (all granted) for a total of 553 days; in addition, another 14 requests were made before the Ninth Circuit Court of Appeals (all granted) for another 509 days of delay.

status quo during the pendency of an appeal.” *Haw. Housing Auth. v. Midkiff*, 463 U.S. 1323, 1324 (1983). The consequences of a denied stay—an irreversible and involuntary death at the hands of the State—are far more severe than making the deputy attorney general wait a few more months to carry out an execution that has already been postponed for decades. At this stage, a stay of execution does Mr. Creech no significant additional favor, other than allowing his case to proceed to its natural conclusion.

III. Conclusion

For the reasons outlined above, Mr. Creech respectfully asks the Court to stay his execution until his current appeal is complete and a remittitur is issued.

DATED this 13th day of October, 2023.

/s/ IAN H. THOMSON

IAN H. THOMSON

Counsel for Mr. Creech

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of October, 2023, I caused a true and correct copy of the foregoing BRIEF IN SUPPORT OF MOTION TO STAY EXECUTION to be served as follows:

L. LaMONT ANDERSON
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
PO BOX 83720
BOISE IDAHO 83617
E-service: lamont.anderson@ag.idaho.gov

/s/ Cheryl K. Haas
CHERYL K. HAAS
Administrative Assistant

IHT/ckh

Exhibit A

OCT 12 2023

TRENT TRIPPLE, Clerk
By SABRINA STOKES
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,	)	CASE NO. CR-FE-0000-10252
	)	
Plaintiff,	)	
	)	DEATH WARRANT
vs.	)	
	)	
THOMAS EUGENE CREECH,	)	
	)	
Defendant.	)	
_____	)	

TO: Josh Tewalt, Director of the Idaho Department of Correction, and Tim Richardson, Warden, Idaho Maximum Security Institution:

WHEREAS the above-named Defendant, THOMAS EUGENE CREECH, on the 28th day of August, 1981, pled guilty to the crime of First-Degree Murder; and,

WHEREAS on the 17th day of April, 1995, the Honorable Robert G. Newhouse entered his Findings of the Court in Considering the Death Penalty and a Judgment of Conviction finding that the above-named Defendant, THOMAS EUGENE CREECH is guilty of First-Degree Murder and imposing the sentence of Death; and,

WHEREAS the Honorable Robert G. Newhouse did, on the 12th day of December, 1996, enter an order denying the above-named Defendant, THOMAS EUGENE CREECH, post-conviction relief; and,

WHEREAS, on the 19th day of August, 1998, the Idaho Supreme Court issued its opinion upholding the conviction and sentence and affirming the denial of post-conviction relief and issued its Remittitur on the 23rd day of October, 1998, and,

WHEREAS, on 1st day of June, 1999, the United States Supreme Court, denied a Petition for Certiorari for the above-named Defendant, THOMAS EUGENE CREECH, and,

WHEREAS, on the 24th day of March, 2017, the Honorable B. Lynn Winmill entered Judgment denying the above-named Defendant, THOMAS EUGENE CREECH, federal habeas relief; and,

WHEREAS, on the 6th day of February, 2023, the United States Court of Appeals, Ninth Circuit, affirmed the denial of federal habeas relief; and,

WHEREAS, on the 10th day of October, 2023, the United States Supreme Court denied a Petition for Certiorari for the above-named Defendant, THOMAS EUGENE CREECH; and,

WHEREAS, on the 10th day of October, 2023, the United States Court of Appeals, Ninth Circuit, issued its Mandate; and,

WHEREAS, Idaho Code § 19-2715(3) mandates that, upon termination of a stay of execution, the state shall apply for another warrant from the district court in which the conviction was had; and

WHEREAS, pursuant to Idaho Code § 19-2715(5) the Court has inquired and finds there is an existing death sentence and that no valid stays of execution are currently in place; and

WHEREAS, Idaho Code § 19-2715(3) mandates that, upon such application, the district court shall set a new execution date not more than thirty (30) days thereafter;

NOW THEREFORE, YOU ARE HEREBY COMMANDED, pursuant to Idaho Code § 19-2716 and the Judgment of this Court, to receive said Defendant, THOMAS EUGENE

CREECH, into your custody, and on the 8th day of November 2023, you shall cause the execution of said sentence of death to take place, unless said sentence is stayed by law, and that you shall make a return upon this Death Warrant, showing the time, mode and manner in which it was executed pursuant to Idaho Code § 19-2718.

DATED this 12th day of October, 2023.



DISTRICT JUDGE

Exhibit B

Legislative History, § 19-2715 (1984)

sentatives. In every action under this section, such damages may be given as under all the circumstances of the case as may be just.

(2) For the purposes of subsection (1) of this section, "heirs" mean:

(a) Those persons who would be entitled to succeed to the property of the decedent according to the provisions of subsection (21) of section 15-1-201, Idaho Code.

(b) Whether or not qualified under subsection (2)(a) of this section, the decedent's spouse, children, stepchildren, parents, and, when partly or wholly dependent on the decedent for support or services, any blood relatives and adoptive brothers and sisters. It includes the illegitimate child of a mother, but not the illegitimate child of the father unless the father has recognized a responsibility for the child's support.

1. "Support" includes contributions in kind as well as money.

2. "Services" mean tasks, usually of a household nature, regularly performed by the decedent that will be a necessary expense to the heirs of the decedent. These services may vary according to the identity of the decedent and heir and shall be determined under the particular facts of each case.

(c) Whether or not qualified under subsection (2)(a) or (2)(b) of this section, the putative spouse of the decedent, if he or she was dependent on the decedent for support or services. As used in this subsection, "putative spouse" means the surviving spouse of a void or voidable marriage who is found by the court to have believed in good faith that the marriage to the decedent was valid.

(d) Nothing in this section shall be construed to change or modify the definition of "heirs" under any other provision of law.

Approved April 2, 1984.

CHAPTER 159
(S.B. No. 1345)

AN ACT

RELATING TO EXECUTION OF THE SENTENCE OF DEATH; REPEALING SECTION 19-2705, IDAHO CODE; AMENDING CHAPTER 27, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2705, IDAHO CODE, TO PROVIDE PROCEDURES WHEN A PERSON IS SENTENCED TO DEATH; REPEALING SECTIONS 19-2706 AND 19-2707, IDAHO CODE; AMENDING SECTION 19-2708, IDAHO CODE, TO PROVIDE THAT NO JUDGE, COURT OR OFFICER CAN SUSPEND THE EXECUTION OF A JUDGMENT OF DEATH WITH EXCEPTIONS; AMENDING SECTION 19-2714, IDAHO CODE, TO PROVIDE PROCEDURES FOR EXECUTION OF THE JUDGMENT IF IT IS FOUND THAT A WOMAN IS NOT PREGNANT AND TO PROVIDE PROCEDURES WHEN IT IS DISCOVERED THAT THE WOMAN IS PREGNANT; AMENDING SECTION 19-2715, IDAHO CODE, TO PROVIDE WHEN A STAY OF

1984

EXECUTION WILL BE GRANTED TO PERSONS SENTENCED TO DEATH, TO PROVIDE UPON REMITTITUR AFTER A SENTENCE OF DEATH HAS BEEN AFFIRMED, THE DISTRICT COURT SHALL SET A NEW EXECUTION DATE NOT MORE THAN THIRTY DAYS THEREAFTER, AND TO PROVIDE THAT ACTION OF THE DISTRICT COURT UNDER THE PROVISIONS OF THIS SECTION SHALL BE MINISTERIAL ONLY AND THAT NO HEARING SHALL BE REQUIRED FOR SETTING A NEW EXECUTION DATE, AND THE COURT SHALL INQUIRE ONLY INTO THE FACT OF AN EXISTING DEATH SENTENCE AND THE ABSENCE OF A VALID STAY OF EXECUTION; AMENDING CHAPTER 27, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2719, IDAHO CODE, TO PROVIDE SPECIAL APPELLATE AND POST-CONVICTION PROCEDURES WHEN A SENTENCE OF DEATH HAS BEEN IMPOSED; TO PROVIDE THAT THIS ACT SHALL APPLY TO ALL CASES IN WHICH CAPITAL SENTENCES WERE IMPOSED ON OR PRIOR TO THE EFFECTIVE DATE OF THIS ACT BUT WHICH HAVE NOT BEEN CARRIED OUT AND TO ALL CAPITAL CASES ARISING THEREAFTER; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-2705, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 27, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2705, Idaho Code, and to read as follows:

19-2705. DEATH WARRANT AND CONFINEMENT THEREUNDER. (1) Whenever a person is sentenced to death, the judge passing sentence shall, in accordance with section 19-2719, Idaho Code, sign and file a death warrant fixing a date of execution not more than thirty (30) days thereafter.

(2) The warrant shall be directed to the warden of the state penitentiary and shall be delivered to him forthwith.

(3) The warden shall keep persons under sentence of death in solitary confinement until execution of the death penalty; no person shall be allowed access to the said convict except law enforcement personnel investigating matters within the scope of their duties, counsel, attending physicians, a spiritual adviser of the condemned's choosing, and members of the immediate family of the condemned, and then only in accordance with the prison rules.

SECTION 3. That Sections 19-2706 and 19-2707, Idaho Code, be, and the same are hereby repealed.

SECTION 4. That Section 19-2708, Idaho Code, be, and the same is hereby amended to read as follows:

19-2708. SUSPENSION OF JUDGMENT OF DEATH. No judge, court or officer, ~~other than the governor~~, can suspend the execution of a judgment of death, except ~~the sheriff~~, as provided ~~in the six succeeding~~

sections;--unless--an appeal is taken in sections 19-2715 and 19-2719, Idaho Code.

SECTION 5. That Section 19-2714, Idaho Code, be, and the same is hereby amended to read as follows:

19-2714. FINDING OF JURY IN CASE OF PREGNANCY. If it is found by the inquisition report that the female is not pregnant, the sheriff warden must execute the judgment; if it is found that she is pregnant, the sheriff warden must suspend the execution of the judgment, and transmit the inquisition report to the governor district court that imposed the sentence. When the governor district court that imposed the sentence is satisfied that the female is no longer pregnant, he may issue his warrant appointing a day for the execution of the judgment.

SECTION 6. That Section 19-2715, Idaho Code, be, and the same is hereby amended to read as follows:

19-2715. MINISTERIAL ACTIONS RELATING TO STAYS OF EXECUTION, RESETTling EXECUTION DATES, AND ORDER FOR EXECUTION OF JUDGMENT OF DEATH. (1) Hereafter, no further stays of execution shall be granted to persons sentenced to death except that a stay of execution shall be granted during an appeal taken pursuant to section 19-2719, Idaho Code, and during the automatic review of judgments imposing the punishment of death provided by section 19-2827, Idaho Code.

(2) Upon remittitur after a sentence of death has been affirmed, the district court shall set a new execution date not more than thirty (30) days thereafter.

(3) If for any reason a judgment of death has not been executed, and it remains in force, the court in which the conviction was had, on the application of the prosecuting attorney, must order the defendant to be brought before it, or if he is at large a warrant for his apprehension may be issued. Upon the defendant being brought before the court, the court must inquire into the facts, and if no legal reason exists against the execution of the judgment, must make an order that the warden execute the judgment at a special specified time. The warden must execute the judgment accordingly.

(4) Action of the district court under this section is ministerial only. No hearing shall be required for setting a new execution date and the court shall inquire only into the fact of an existing death sentence and the absence of a valid stay of execution.

SECTION 7. That Chapter 27, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2719, Idaho Code, and to read as follows:

19-2719. SPECIAL APPELLATE AND POST-CONVICTION PROCEDURE FOR CAPITAL CASES -- AUTOMATIC STAY. The following special procedures shall be interpreted to accomplish the purpose of eliminating unnecessary

delay in carrying out a valid death sentence.

(1) When the punishment of death is imposed the time for filing an appeal shall begin to run when the death warrant is filed.

(2) The death warrant shall not be filed until forty-two (42) days after the judgment imposing the death sentence has been filed, or, in the event a post-conviction challenge to the conviction or sentence is filed, until the order deciding such post-conviction challenge is filed.

(3) Within forty-two (42) days of the filing of the judgment imposing the punishment of death, and before the death warrant is filed, the defendant must file any legal or factual challenge to the sentence or conviction that is known or reasonably should be known.

(4) Any remedy available by post-conviction procedure, habeas corpus or any other provision of state law must be pursued according to the procedures set forth in this section and within the time limitations of subsection (3) of this section.

(5) If the defendant fails to apply for relief as provided in this section and within the time limits specified, he shall be deemed to have waived such claims for relief as were known, or reasonably should have been known. The courts of Idaho shall have no power to consider any such claims for relief as have been so waived or grant any such relief.

(6) In the event the defendant desires to appeal from any post-conviction order entered pursuant to this section, his appeal must be part of any appeal taken from the conviction or sentence. All issues relating to conviction, sentence and post-conviction challenge shall be considered in the same appellate proceeding.

(7) If post-conviction challenge is made under this section, questions raised thereby shall be heard and decided by the district court within ninety (90) days of the filing of any motion or petition for relief timely filed as provided by this section. The court shall give first priority to capital cases. In the event the district court fails to act within the time specified, the supreme court of Idaho shall, on its own motion or the motion of any party, order the court to proceed forthwith, or if appropriate, reassign the case to another judge. When the supreme court intervenes as provided, it shall set a reasonable time limit for disposition of the issues before the district court.

(8) The time limit provided in subsection (7) of this section for disposition of post-conviction claims may be extended only upon a showing of extraordinary circumstances which would make it impossible to fairly consider defendant's claims in the time provided. Such showing must be made under oath and the district court's finding that extraordinary circumstances exist for extending the time shall be in writing and shall be immediately reported to the supreme court, which shall at once independently consider the sufficiency of the circumstances shown and determine whether an extension of time is warranted.

(9) When a judgment imposing the penalty of death is filed, the clerk and the reporter shall begin preparation of the transcripts of the trial, and other proceedings, and the clerk's transcript.

(10) When the procedures specified in this section and section

19-2827, Idaho Code, have been carried out and a remittitur issued, and an execution date set as provided by law, the defendant shall be deemed to have exhausted all state remedies.

(11) A stay of execution while the special appellate procedures specified herein are followed and during the pendency of automatic review of death sentences shall be automatically entered by the clerk of the supreme court at the time the district court transmits to the supreme court the report required by section 19-2827, Idaho Code. If the sentence is upheld, the clerk shall dissolve such stay when the remittitur is filed. Thereafter the district court shall set a new execution date.

SECTION 8. This act shall apply to all cases in which capital sentences were imposed on or prior to the effective date of this act but which have not been carried out, and to all capital cases arising after the effective date of this act.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 2, 1984

CHAPTER 160
(S.B. No. 1367)

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO BRING SCHEDULE I CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT AND TO MAKE METHAQUALONE A SCHEDULE I SUBSTANCE; AMENDING SECTION 37-2707, IDAHO CODE, TO BRING SCHEDULE II CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT AND TO DELETE REFERENCE TO METHAQUALONE; AMENDING SECTION 37-2709, IDAHO CODE, TO CORRECT A SPELLING; AMENDING SECTION 37-2711, IDAHO CODE, TO BRING SCHEDULE IV CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT; AND AMENDING SECTION 37-2713, IDAHO CODE, TO BRING SCHEDULE V CONTROLLED SUBSTANCES INTO CONFORMANCE WITH THE FEDERAL CONTROLLED SUBSTANCES ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers,

unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetylmethadol;
- (2) Allylprodine;
- (3) Alphacetylmethadol;
- (4) Alphameprodine;
- (5) Alphamethadol;
- (6) Alphamethylfentanyl;
- (7) Benzethidine;
- (78) Betacetylmethadol;
- (89) Betameprodine;
- (910) Betamethadol;
- (101) Betaprodine;
- (112) Clonitazene;
- (123) Dextromoramide;
- (134) Diampromide;
- (145) Diethylthiambutene;
- (156) Difenoxin;
- (167) Dimenoxadol;
- (178) Dimepheptanol;
- (189) Dimethylthiambutene;
- (1920) Dioxaphetyl butyrate;
- (201) Dipipanone;
- (212) Ethylmethylthiambutene;
- (223) Etonitazene;
- (234) Etoxadine;
- (245) Furethidine;
- (256) Hydroxypethidine;
- (267) Ketobemidone;
- (278) Levomoramide;
- (289) Levophenacymorphan;
- (2930) Morpheridine;
- (301) Noracymethadol;
- (312) Norlevorphanol;
- (323) Normethadone;
- (334) Norpipanone;
- (345) Phenadoxone;
- (356) Phenampromide;
- (367) Phenomorphan;
- (378) Phenoperidine;
- (389) Piritramide;
- (3940) Proheptazine;
- (401) Properidine;
- (412) Propiram;
- (423) Racemoramide;
- (434) Sufentanil;
- (445) Tilidine;
- (456) Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the

1984

IN THE SENATE

SENATE BILL NO. 1345

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO EXECUTION OF THE SENTENCE OF DEATH; REPEALING SECTION 19-2705, IDAHO CODE; AMENDING CHAPTER 27, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2705, IDAHO CODE, TO PROVIDE PROCEDURES WHEN A PERSON IS SENTENCED TO DEATH; REPEALING SECTIONS 19-2706 AND 19-2707, IDAHO CODE; AMENDING SECTION 19-2708, IDAHO CODE, TO PROVIDE THAT NO JUDGE, COURT OR OFFICER CAN SUSPEND THE EXECUTION OF A JUDGMENT OF DEATH WITH EXCEPTIONS; AMENDING SECTION 19-2714, IDAHO CODE, TO PROVIDE PROCEDURES FOR EXECUTION OF THE JUDGMENT IF IT IS FOUND THAT A WOMAN IS NOT PREGNANT AND TO PROVIDE PROCEDURES WHEN IT IS DISCOVERED THAT THE WOMAN IS PREGNANT; AMENDING SECTION 19-2715, IDAHO CODE, TO PROVIDE WHEN A STAY OF EXECUTION WILL BE GRANTED TO PERSONS SENTENCED TO DEATH, TO PROVIDE UPON REMITTITUR AFTER A SENTENCE OF DEATH HAS BEEN AFFIRMED, THE DISTRICT COURT SHALL SET A NEW EXECUTION DATE NOT MORE THAN THIRTY DAYS THEREAFTER, AND TO PROVIDE THAT ACTION OF THE DISTRICT COURT UNDER THE PROVISIONS OF THIS SECTION SHALL BE MINISTERIAL ONLY AND THAT NO HEARING SHALL BE REQUIRED FOR SETTING A NEW EXECUTION DATE, AND THE COURT SHALL INQUIRE ONLY INTO THE FACT OF AN EXISTING DEATH SENTENCE AND THE ABSENCE OF A VALID STAY OF EXECUTION; AMENDING CHAPTER 27, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2719, IDAHO CODE, TO PROVIDE SPECIAL APPELLATE AND POST-CONVICTION PROCEDURES WHEN A SENTENCE OF DEATH HAS BEEN IMPOSED; TO PROVIDE THAT THIS ACT SHALL APPLY TO ALL CASES IN WHICH CAPITAL SENTENCES WERE IMPOSED ON OR PRIOR TO THE EFFECTIVE DATE OF THIS ACT BUT WHICH HAVE NOT BEEN CARRIED OUT AND TO ALL CAPITAL CASES ARISING THEREAFTER; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-2705, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 27, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2705, Idaho Code, and to read as follows:

19-2705. DEATH WARRANT AND CONFINEMENT THEREUNDER. (1) Whenever a person is sentenced to death, the judge passing sentence shall, in accordance with section 19-2719, Idaho Code, sign and file a death warrant fixing a date of execution not more than thirty (30) days thereafter.

(2) The warrant shall be directed to the warden of the state penitentiary and shall be delivered to him forthwith.

(3) The warden shall keep persons under sentence of death in solitary confinement until execution of the death penalty; no person shall be allowed access to the said convict except law enforcement personnel investigating matters within the scope of their duties, counsel, attending physicians, a spiritual adviser of the condemned's choosing, and members of the immediate family of the condemned, and then only in accordance with the

1 prison rules.

2 SECTION 3. That Sections 19-2706 and 19-~~2707~~, Idaho Code, be, and the
3 same are hereby repealed.

4 SECTION 4. That Section 19-2708, Idaho Code, be, and the same is
5 hereby amended to read as follows:

6 19-2708. SUSPENSION OF JUDGMENT OF DEATH. No judge, court or officer,
7 ~~other than the governor~~; can suspend the execution of a judgment of death,
8 ~~except the sheriff~~; as provided ~~in the six succeeding sections~~; ~~unless an~~
9 ~~appeal is taken~~ in sections 19-2715 and 19-2719, Idaho Code.

10 SECTION 5. That Section 19-2714, Idaho Code, be, and the same is
11 hereby amended to read as follows:

12 19-2714. FINDING ~~OF--JURY~~ IN CASE OF PREGNANCY. If it is found by the
13 inquisition report that the female is not pregnant, the sheriff warden must
14 execute the judgment; if it is found that she is pregnant, the sheriff
15 warden must suspend the execution of the judgment, and transmit the
16 inquisition report to the governor district court that imposed the
17 sentence. When the governor district court that imposed the sentence is
18 satisfied that the female is no longer pregnant, he may issue his warrant
19 appointing a day for the execution of the judgment.

20 SECTION 6. That Section 19-2715, Idaho Code, be, and the same is
21 hereby amended to read as follows:

22 19-2715. MINISTERIAL ACTIONS RELATING TO STAYS OF EXECUTION, RESETTING
23 EXECUTION DATES, AND ORDER FOR EXECUTION OF JUDGMENT OF DEATH. (1) Here-
24 after, no further stays of execution shall be granted to persons sentenced
25 to death except that a stay of execution shall be granted during an appeal
26 taken pursuant to section 19-2719, Idaho Code, and during the automatic
27 review of judgments imposing the punishment of death provided by section
28 19-2827, Idaho Code.

29 (2) Upon remittitur after a sentence of death has been affirmed, the
30 district court shall set a new execution date not more than thirty (30)
31 days thereafter.

32 (3) If for any reason a judgment of death has not been executed, and it
33 remains in force, the court in which the conviction was had, on the appli-
34 cation of the prosecuting attorney, must order the defendant to be brought
35 before it, or if he is at large a warrant for his apprehension may be
36 issued. Upon the defendant being brought before the court, the court must
37 inquire into the facts, and if no legal reason exists against the execution
38 of the judgment, must make an order that the warden execute the judgment at
39 a special specified time. The warden must execute the judgment accordingly.

40 (4) Action of the district court under this section is ministerial
41 only. No hearing shall be required for setting a new execution date and the
42 court shall inquire only into the fact of an existing death sentence and
43 the absence of a valid stay of execution.

44 SECTION 7. That Chapter 27, Title 19, Idaho Code, be, and the same is
45 hereby amended by the addition thereto of a NEW SECTION, to be known and
46 designated as Section 19-2719, Idaho Code, and to read as follows: 005

1 19-2719. SPECIAL APPELLATE AND POST-CONVICTION PROCEDURE FOR CAPITAL
2 CASES -- AUTOMATIC STAY. The following special procedures shall be inter-
3 preted to accomplish the purpose of eliminating unnecessary delay in carry-
4 ing out a valid death sentence.

5 (1) When the punishment of death is imposed the time for filing an
6 appeal shall begin to run when the death warrant is filed.

7 (2) The death warrant shall not be filed until forty-two (42) days
8 after the judgment imposing the death sentence has been filed, or, in the
9 event a post-conviction challenge to the conviction or sentence is filed,
10 until the order deciding such post-conviction challenge is filed.

11 (3) Within forty-two (42) days of the filing of the judgment imposing
12 the punishment of death, and before the death warrant is filed, the defend-
13 ant must file any legal or factual challenge to the sentence or conviction
14 that is known or reasonably should be known.

15 (4) Any remedy available by post-conviction procedure, habeas corpus
16 or any other provision of state law must be pursued according to the proce-
17 dures set forth in this section and within the time limitations of subsec-
18 tion (3) of this section.

19 (5) If the defendant fails to apply for relief as provided in this
20 section and within the time limits specified, he shall be deemed to have
21 waived such claims for relief as were known, or reasonably should have been
22 known. The courts of Idaho shall have no power to consider any such claims
23 for relief as have been so waived or grant any such relief.

24 (6) In the event the defendant desires to appeal from any post-
25 conviction order entered pursuant to this section, his appeal must be part
26 of any appeal taken from the conviction or sentence. All issues relating to
27 conviction, sentence and post-conviction challenge shall be considered in
28 the same appellate proceeding.

29 (7) If post-conviction challenge is made under this section, questions
30 raised thereby shall be heard and decided by the district court within
31 ninety (90) days of the filing of any motion or petition for relief timely
32 filed as provided by this section. The court shall give first priority to
33 capital cases. In the event the district court fails to act within the time
34 specified, the supreme court of Idaho shall, on its own motion or the
35 motion of any party, order the court to proceed forthwith, or if appropri-
36 ate, reassign the case to another judge. When the supreme court intervenes
37 as provided, it shall set a reasonable time limit for disposition of the
38 issues before the district court.

39 (8) The time limit provided in subsection (7) of this section for dis-
40 position of post-conviction claims may be extended only upon a showing of
41 extraordinary circumstances which would make it impossible to fairly con-
42 sider defendant's claims in the time provided. Such showing must be made
43 under oath and the district court's finding that extraordinary circum-
44 stances exist for extending the time shall be in writing and shall be
45 immediately reported to the supreme court, which shall at once independ-
46 ently consider the sufficiency of the circumstances shown and determine
47 whether an extension of time is warranted.

48 (9) When a judgment imposing the penalty of death is filed, the clerk
49 and the reporter shall begin preparation of the transcripts of the trial,
50 and other proceedings, and the clerk's transcript.

51 (10) When the procedures specified in this section and section
52 19-2827, Idaho Code, have been carried out and a remittitur issued, and an
53 execution date set as provided by law, the defendant shall be deemed to

is to

1 have exhausted all state remedies.

2 (11) A stay of execution while the special appellate procedures speci-
3 fied herein are followed and during the pendency of automatic review of
4 death sentences shall be automatically entered by the clerk of the supreme
5 court at the time the district court transmits to the supreme court the
6 report required by section 19-2827, Idaho Code, sentence is upheld, the
7 clerk shall dissolve such stay when the remittitur is filed. Thereafter the
8 district court shall set a new execution date.

9 SECTION 8. This act shall apply to all cases in which capital sen-
10 tences were imposed on or prior to the effective date of this act but which
11 have not been carried out, and to all capital cases arising after the
12 effective date of this act.

13 SECTION 9. An emergency existing therefor, which emergency is hereby
14 declared to exist, this act shall be in full force and effect on and after
15 its passage and approval.

Exhibit C

Combined Federal Docket 1:99-cv-00224-BLW & 10-99015

APPEAL,DEATHP,LC8,PROSE,REOPEN,TERMED

**U.S. District Court
District of Idaho (LIVE) NextGen 1.7 (Boise - Southern)
CIVIL DOCKET FOR CASE #: 1:99-cv-00224-BLW**

Creech v. Pasket
Assigned to: Judge B Lynn Winmill
Demand: \$0
Case in other court: Ninth Circuit Court of Appeals, 10-99015
Cause: 28:2254 Ptn for Writ of H/C - Stay of Execution

Date Filed: 06/11/1999
Date Terminated: 03/24/2017
Jury Demand: None
Nature of Suit: 535 Death Penalty - Habeas Corpus
Jurisdiction: Federal Question

Petitioner

Thomas Eugene Creech

represented by **Deborah Anne Czuba**
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V.

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TERMINATED: 10/14/2005

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TERMINATED: 01/29/2016

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Date Filed	#	Docket Text
06/10/1999	<u>1</u>	STATEMENT OF ISSUES by petitioner Thomas E Creech (sb) (Entered: 06/11/1999)
06/10/1999	<u>2</u>	APPLICATION by petitioner for permission to proceed in forma pauperis and for appointment of counsel to assist in the investigation and preparation of a petition for writ of habeas corpus under Local Rule 9.4(f)(3). (sb) (Entered: 06/11/1999)
06/10/1999	<u>3</u>	APPLICATION by petitioner for Stay of Execution (sb) (Entered: 06/11/1999)
06/14/1999	<u>4</u>	ORDER by Honorable B. Lynn Winmill granting a stay of execution and appointing counsel [2-1][3-1]; briefing schedule set (cc: all counsel) (sb)
06/15/1999	<u>5</u>	MOTION by petitioner for appointment of co-counsel (sb) (Entered: 06/16/1999)
06/24/1999	<u>6</u>	NOTICE OF NON-OBJECTION by respondent to motion for appointment of co-counsel [5-1] (sb) (Entered: 06/28/1999)

06/30/1999	7	ORDER by Honorable B. Lynn Winmill granting motion of petitioner for appointment of co-counsel [5-1] Teresa Hampton (cc: all counsel) (sb)
08/20/1999	8	MOTION by respondent to lodge presentence report under seal of the court (sb) (Entered: 08/24/1999)
08/20/1999	9	NOTICE by respondent of lodging state court records pursuant to Rule 5 of the Rules governing 28 USC 2254 cases (1 box of Records placed in 4th Floor Exhibit Room) (sb) Modified on 08/24/1999 (Entered: 08/24/1999)
08/30/1999	10	MOTION by petitioner for extension of time (sb) (Entered: 08/31/1999)
08/30/1999	11	AFFIDAVIT of August Cahill re motion for extension of time [10-1] (sb) (Entered: 08/31/1999)
08/30/1999	12	AFFIDAVIT of Rolfe Kehne re motion for extension of time [10-1] (sb) (Entered: 08/31/1999)
08/30/1999	13	AFFIDAVIT of Teresa A. Hampton in support of motion to modify scheduling order [10-1] (sb) (Entered: 08/31/1999)
09/03/1999	14	RESPONSE to petitioner's motion for extension of time [10-1] (sb)
09/13/1999	15	REPLY in support of petitioner's motion for extension of time [10-1] (sb) (Entered: 09/14/1999)
09/17/1999	16	ORDER by Honorable B. Lynn Winmill granting motion for extension of time [10-1] (cc: all counsel) (sb) (Entered: 09/20/1999)
01/20/2000	17	PETITION FOR WRIT OF HABEAS CORPUS by a person in state custody (sb) (Entered: 01/21/2000)
02/04/2000	18	FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS by a Person in State Custody (sb) (Entered: 02/07/2000)
02/24/2000	19	MOTION by res Dave Pasket to extend time to answer (dkh) (Entered: 02/28/2000)
02/24/2000	20	AFFIDAVIT of L LaMont Anderson filed by res Dave Pasket in support of motion to extend time to answer [19-1] (dkh) (Entered: 02/28/2000)
03/08/2000	21	ORDER by Honorable B. Lynn Winmill granting motion to extend time to answer [19-1] until 5/5/00 (cc: all counsel) (sb) (Entered: 03/09/2000)
03/15/2000	22	ORDER by Honorable B. Lynn Winmill granting motion to lodge presentence report under seal of the court [8-1] (cc: all counsel) (sb) (Entered: 03/17/2000)
05/05/2000	23	SECOND MOTION by respondent to extend time to file answer (sb) (Entered: 05/10/2000)
05/05/2000	24	AFFIDAVIT of L. LaMont Anderson regarding motion to extend time to file answer [23-1] (sb) (Entered: 05/10/2000)
05/12/2000	25	SUPPLEMENTAL NOTICE by Respondent of Lodging of State Records - Transcripts of Depos of Keith George and Brad Shannon Miller (sb) (Entered: 05/16/2000)
05/12/2000	26	ANSWER by respondent to first amended petition for writ of habeas corpus (sb) (Entered: 05/16/2000)

05/16/2000	27	ORDER by Honorable B. Lynn Winmill granting motion to extend time to file answer [23-1] to be filed 5/12/00 (cc: all counsel) (sb)
05/31/2000		FILE DIVISION - File # 2 begins with document # 28 (sb) (Entered: 06/21/2000)
06/01/2000	28	NOTICE by petitioner of filing state post-convictions petition (sb) (Entered: 06/02/2000)
06/08/2000	29	MOTION by petitioner for extension of time to file Traverse and Brief on Procedural Default (sb) (Entered: 06/12/2000)
06/08/2000	30	DECLARATION of Joan M. Fisher in support of motion for extension of time to file Traverse and Brief on Procedural Default [29-1] (sb) (Entered: 06/12/2000)
06/08/2000	31	MOTION by petitioner to stay further federal proceedings pending state proceedings (sb) (Entered: 06/12/2000)
06/08/2000	32	MEMORANDUM in support of motion to stay further federal proceedings pending state proceedings [31-1] (sb) (Entered: 06/12/2000)
06/22/2000	33	NOTICE of No-Objection by respondent to motion for extension of time to file Traverse and Brief on Procedural Default [29-1] (sb) (Entered: 06/23/2000)
06/22/2000	34	RESPONSE by respondent to motion to stay further federal proceedings pending state proceedings [31-1] (sb) (Entered: 06/23/2000)
07/10/2000	35	REPLY by petitioner in support of motion to stay further federal proceedings pending state proceedings [31-1] (sb) (Entered: 07/13/2000)
07/12/2000	36	MOTION by petitioner for injunctive relief from policy allowing prison officials to monitor attorney-client telephone calls and to compel prison officials to disclose any recorded conversations (sb) (Entered: 07/14/2000)
07/12/2000	37	MEMORANDUM in support of motion for injunctive relief from policy allowing prison officials to monitor attorney-client telephone calls and to compel prison officials to disclose any recorded conversations [36-1] (sb) (Entered: 07/14/2000)
07/17/2000	38	ORDER by Honorable B. Lynn Winmill granting motion to stay further federal proceedings pending state proceedings; stay granted for a period of 90 days [31-1] (cc: all counsel) (sb) (Entered: 07/24/2000)
07/17/2000	39	ORDER by Honorable B. Lynn Winmill granting motion for extension of time to file Traverse and Brief on Procedural Default [29-1]; Traverse and Brief due 10 days following expiration of stay of proceedings (cc: all counsel) (sb) (Entered: 07/24/2000)
07/31/2000	40	RESPONSE by respondent to motion for injunction and disclosure of recorded conversations [36-1] (sb)
07/31/2000	41	AFFIDAVIT of Deborah A. Shields [40-1] (sb)
08/04/2000	42	MOTION by petitioner for extension of time to file request for evidentiary hearing (sb) (Entered: 08/07/2000)
08/04/2000	43	MEMORANDUM in support of motion for extension of time to file request for evidentiary hearing [42-1] (sb) (Entered: 08/07/2000)
08/15/2000	44	RESPONSE by respondent to motion for extension of time to file request for evidentiary hearing [42-1] (wm) (Entered: 08/16/2000)

08/16/2000	45	REPLY by petitioner in support of motion for injunctive relief from policy allowing prison officials to monitor attorney-client telephone calls and to compel prison officials to disclose any recorded conversations [36-1] (sb) (Entered: 08/21/2000)
09/01/2000	46	MOTION by petitioner to consolidate hearing re Motion for Injunctive Relief (sb) (Entered: 09/07/2000)
09/01/2000	47	MEMORANDUM in support of motion to consolidate hearing re Motion for Injunctive Relief [46-1] (sb) (Entered: 09/07/2000)
09/08/2000	48	ORDER by Honorable B. Lynn Winmill granting motion for extension of time for 30 days after the filing of the traverse to file request for evidentiary hearing [42-1] (cc: all counsel) (wm) (Entered: 09/12/2000)
09/08/2000	49	AFFIDAVIT of Lisa Cates filed by respondent regarding motion for injunctive relief [36-1] (sb) (Entered: 09/12/2000)
09/26/2000	50	ORDER by Honorable B. Lynn Winmill denying motion for injunctive relief from policy allowing prison officials to monitor attorney-client telephone calls and to compel prison officials to disclose any recorded conversations [36-1] as moot; motion to consolidate hearing deemed moot [46-1] (cc: all counsel) (sb)
10/02/2000	55	NOTICE of Non-Objection by respondent to motion for extension of time to file traverse, procedural default brief and request for evidentiary hearing [53-1] (sb) (Entered: 10/27/2000)
10/19/2000	51	MOTION by petitioner to renew and extend stay of further federal proceedings pending state proceedings (sb) Modified on 12/04/2000 (Entered: 10/23/2000)
10/19/2000	52	MEMORANDUM in support of motion to extend and renew stay of federal proceedings pending state proceedings [51-1] (sb) Modified on 12/04/2000 (Entered: 10/23/2000)
10/19/2000	53	MOTION by petitioner for extension of time to file traverse, procedural default brief and request for evidentiary hearing (sb) (Entered: 10/23/2000)
10/19/2000	54	MEMORANDUM in support of motion for extension of time to file traverse, procedural default brief and request for evidentiary hearing [53-1] (sb) (Entered: 10/23/2000)
10/31/2000	56	ORDER by Honorable B. Lynn Winmill granting motion for stay of federal proceedings [51-1]; traverse, procedural default brief and request for evidentiary hearing shall be due within 15 days after expiration of the stay [53-1] (cc: all counsel) (sb) (Entered: 11/01/2000)
01/04/2001	57	MOTION by petitioner for access to petitioner by mental health expert (sb) (Entered: 01/08/2001)
01/04/2001	58	MEMORANDUM in support of motion for access to petitioner by mental health expert [57-1] (sb) (Entered: 01/08/2001)
01/10/2001	59	RESPONSE by respondent to petitioner's motion for access to petitioner by mental health expert [57-1] (sb) Modified on 06/22/2001 (Entered: 01/11/2001)
01/10/2001	61	REPLY by petitioner to state's response to petitioner's motion for access to petitioner by mental health expert [57-1] (sb) (Entered: 01/16/2001)

01/11/2001	60	ORDER by Honorable B. Lynn Winmill granting motion for access to petitioner by mental health expert [57-1] (cc: all counsel) (sb)
01/16/2001	62	MOTION by petitioner to renew and extend stay further federal proceedings pending state proceedings (sb) (Entered: 01/17/2001)
01/16/2001	63	MEMORANDUM in support of motion to renew and extend stay further federal proceedings pending state proceedings (sb) (Entered: 01/17/2001)
01/19/2001	64	RESPONSE by respondent to petitioner's motion to renew and extend stay (sb) (Entered: 01/22/2001)
02/15/2001	65	ORDER by Honorable B. Lynn Winmill granting motion to renew and extend stay further federal proceedings pending state proceedings [62-1] for a period of 120 days (cc: all counsel) (sb) (Entered: 02/20/2001)
04/19/2001	66	PETITIONER'S STATUS REPORT of State proceedings during stay of Federal proceedings. (sb) (Entered: 04/23/2001)
05/01/2001		FILE DIVISION - File # 3 begins with document # 67 (sb) (Entered: 07/05/2001)
06/08/2001	67	MOTION by petitioner to renew and extend stay of further federal proceedings pending state proceedings (sb) (Entered: 06/14/2001)
06/08/2001	68	MEMORANDUM in support of motion to renew and extend stay of further federal proceedings pending state proceedings (sb) (Entered: 06/14/2001)
06/19/2001	69	RESPONSE by respondent to petitioner's motion to renew and extend stay of further federal proceedings pending state proceedings (sb) (Entered: 06/20/2001)
07/27/2001	70	ORDER by Honorable B. Lynn Winmill granting motion to renew and extend stay of further federal proceedings for an additional 120 days [67-1] (cc: all counsel) (sb) (Entered: 07/31/2001)
10/10/2001	71	MOTION by petitioner for stay of proceedings (sb) (Entered: 10/11/2001)
10/23/2001	72	RESPONSE by respondent to petitioner's motion for stay of proceedings [71-1] (sb) (Entered: 10/24/2001)
11/30/2001	73	ORDER by Honorable B. Lynn Winmill granting motion for stay of proceedings [71-1]; matter stayed for a period of 120 days (cc: all counsel) (sb) (Entered: 12/04/2001)
04/01/2002	74	MOTION by petitioner to renew and extend stay of further federal proceedings pending state proceedings (sb) (Entered: 04/04/2002)
04/01/2002	75	MEMORANDUM in support of motion to renew and extend stay of further federal proceedings pending state proceedings (sb) (Entered: 04/04/2002)
04/03/2002	76	RESPONSE by respondent to motion to renew and extend stay of further federal proceedings pending state proceedings [74-1] (sb) (Entered: 04/04/2002)
04/05/2002	77	ORDER by Honorable B. Lynn Winmill granting motion to renew and extend stay of further federal proceedings state proceedings [74-1]; stay extended for a period of 120 days (cc: all counsel) (sb)
08/05/2002	78	REQUEST by attorney for petitioner to appear in state court (sb) (Entered: 08/08/2002)

08/05/2002	<u>79</u>	NOTICE by petitioner of filing state post-conviction petition (sb) (Entered: 08/08/2002)
08/07/2002	<u>80</u>	MOTION by petitioner to renew and extend stay of further federal proceedings pending state proceedings (sb) (Entered: 08/13/2002)
08/07/2002	<u>81</u>	MEMORANDUM by petitioner in support of motion to renew and extend stay of further federal proceedings pending state proceedings [80-1] (sb) (Entered: 08/13/2002)
08/26/2002	<u>82</u>	RESPONSE by respondent to motion to renew and extend stay of further federal proceedings pending state proceedings [80-1] (sb) (Entered: 08/27/2002)
08/26/2002	<u>83</u>	MOTION by respondent to vacate order holding habeas case in abeyance (sb) (Entered: 08/27/2002)
08/26/2002	<u>84</u>	BRIEF in support of motion to vacate order holding habeas case in abeyance [83-1] (sb) (Entered: 08/27/2002)
08/26/2002	<u>85</u>	MOTION by respondent to lodge state court records under seal of the court (sb) (Entered: 08/27/2002)
08/26/2002	<u>86</u>	NOTICE by respondent of supplemental lodging of state court records. (Filed under Seal) (sb) (Entered: 08/27/2002)
09/13/2002	<u>87</u>	MOTION by petitioner to extend time to file reply (sb) (Entered: 09/23/2002)
09/16/2002	<u>88</u>	NOTICE by respondent of Non-objection to motion to extend time to file reply [87-1] (sb) (Entered: 09/23/2002)
09/19/2002	<u>90</u>	NOTICE by petitioner of Objection to State's motion to lodge state court records under seal of the court [85-1] (sb) (Entered: 09/30/2002)
09/19/2002	<u>91</u>	REPLY by petitioner to State's Response to motion to renew and extend stay of further federal proceedings pending state proceedings (sb) (Entered: 09/30/2002)
09/25/2002	<u>89</u>	REPLY BRIEF by respondent in support of motion to vacate order holding habeas case in abeyance [83-1] (sb) (Entered: 09/26/2002)
10/01/2002	<u>92</u>	ORDER by Honorable B. Lynn Winmill granting motion to appear in state court [78-1] with restrictions (cc: all counsel) (sb)
10/02/2002	<u>93</u>	ORDER by Honorable B. Lynn Winmill granting motion to extend time to file reply [87-1] (cc: all counsel) (sb) (Entered: 10/03/2002)
10/02/2002	<u>94</u>	ORDER by Honorable B. Lynn Winmill granting motion to vacate order holding habeas case in abeyance [83-1] (cc: all counsel) (sb) (Entered: 10/03/2002)
10/07/2002	<u>95</u>	ORDER by Honorable B. Lynn Winmill denying motion to lodge state court records under seal of the court [85-1] (cc: counsel) (sb) (Entered: 10/09/2002)
10/09/2002		REMARK--Lodged state documents placed in 4th floor Exhibit room (sb) Modified on 10/09/2002
10/15/2002	<u>96</u>	MOTION by petitioner to vacate July 17, 2000 order , to schedule case management conference , and to amend First Amended Petition for Writ of Habeas Corpus (sb) (Entered: 10/21/2002)

10/15/2002	97	AFFIDAVIT of Joan M. Fisher in support of motion to vacate July 17, 2000 order [96-1], to schedule case management conference [96-2] and to amend First Amended Petition for Writ of Habeas Corpus [96-3] (sb) (Entered: 10/21/2002)
10/17/2002	98	RESPONSE by respondent to motion to vacate July 17, 2000 order [96-1], to schedule case management conference [96-2] and to amend First Amended Petition for Writ of Habeas Corpus [96-3] (sb) (Entered: 10/21/2002)
10/23/2002	99	ORDER by Honorable B. Lynn Winmill granting motion to vacate July 17, 2000 order [96-1], to schedule case management conf [96-2] and to amend First Amended Petition for Writ of Habeas Corpus [96-3] Phase V Case Management Hrg set for 8:30 AM on 2/25/03 (cc: all counsel) (sb)
02/01/2003	100	MOTION by petitioner to file out of time Second Amended Petition for Writ of Habeas Corpus (sb) (Entered: 02/05/2003)
02/01/2003	101	DECLARATION of Joan M. Fisher in support of motion to file out of time Second Amended Petition for Writ of Habeas Corpus [100-1] (sb) (Entered: 02/05/2003)
02/01/2003	102	SECOND AMENDED Petition for Writ of Habeas Corpus by a Person in State Custody [18-1] (sb) (Entered: 02/05/2003)
02/03/2003	103	NOTICE by respondent of Non-Objection to motion to file out of time Second Amended Petition for Writ of Habeas Corpus [100-1] (sb) (Entered: 02/05/2003)
02/11/2003	104	ORDER by Honorable B. Lynn Winmill granting motion to file out of time Second Amended Petition for Writ of Habeas Corpus [100-1] (cc: all counsel) (sb) (Entered: 02/12/2003)
02/19/2003	105	MOTION by respondent to Seal Confidential Case Evaluation Form (sb) (Entered: 02/20/2003)
02/25/2003	106	MINUTES OF CASE MGT CONF BLW (sb) (Entered: 02/26/2003)
03/28/2003	108	MOTION by petitioner for order of access to petitioner by expert - mitigation expert (sb) (Entered: 03/31/2003)
03/28/2003	109	DECLARATION of Joan M. Fisher in support of motion for order of access to petitioner by expert - mitigation expert [108-1] (sb) (Entered: 03/31/2003)
03/31/2003	107	CASE MANGEMENT ORDER by Honorable B. Lynn Winmill (cc: all counsel) (sb)
04/03/2003	110	NOTICE of NON-OBJECTION by respondent to motion for order of access to petitioner by expert - mitigation expert [108-1] (sb)
04/10/2003	111	RESPONSE by respondent to court's court management order [107-1] (sb) (Entered: 04/11/2003)
04/11/2003	112	RESPONSE by petitioner to court's case management order [107-1] (sb) (Entered: 04/14/2003)
04/15/2003	113	ORDER by Honorable Edward J. Lodge granting motion for order of access to petitioner by expert - mitigation expert [108-1]; order granting sealing of confidential case form [105-1] (cc: all counsel) (sb)
05/20/2003	114	ORDER by Honorable B. Lynn Winmill vacating order of 12/12/03 allowing filinf of second amended Petition [104-1]; vacating portion of order entered 10/1/02 re motion for stay [92-1]; granting motion for stay [80-1]; petitioner shall have opportunity to

		file amended petition when stay is lifted, petitioner shall file quarterly status reports (cc: all counsel) (sb) (Entered: 05/21/2003)
06/04/2003	115	MOTION by respondent to reconsider order (sb) (Entered: 06/05/2003)
06/04/2003	116	BRIEF in support of respondent's motion to reconsider order [115-1] (sb) (Entered: 06/05/2003)
06/09/2003	117	ORDER by Honorable B. Lynn Winmill denying motion to reconsider order [115-1] (cc: all counsel) (sb)
08/20/2003	118	STATUS REPORT by petitioner of State Court Proceedings (sb) (Entered: 08/25/2003)
11/19/2003	119	STATUS REPORT by petitioner of State Court Proceedings (sb) (Entered: 11/24/2003)
02/17/2004	120	STATUS REPORT by petitioner of State Court Proceedings (sb) (Entered: 02/20/2004)
05/21/2004	121	STATUS REPORT by petitioner of State Court Proceedings (sb) (Entered: 05/26/2004)
08/30/2004	122	STATUS REPORT by petitioner of State Court Proceedings (sb) (Entered: 09/02/2004)
11/16/2004	123	STATUS REPORT by petitioner of state court proceedings (sb) (Entered: 11/19/2004)
12/02/2004	124	ORDER by Honorable B. Lynn Winmill regarding objections to lifting of stay (cc: all counsel) (sb) (Entered: 12/06/2004)
12/10/2004	125	NOTICE OF OBJECTION by petitioner to lifting of stay [124-1] (sb) (Entered: 12/14/2004)
12/13/2004	126	NOTICE by respondent of Non-Objection to the Court's proposed lifting of stay [124-1] (sb) (Entered: 12/14/2004)
01/07/2005	127	ORDER VACATING STAY in Federal Case; Case Management Conference set for 1/28/2005 10:30 AM in Boise, ID before Honorable B. Lynn Winmill; Petitioner shall file a new Phase III Case Budget. Signed by Judge B. Lynn Winmill. (sb,) (Entered: 01/10/2005)
01/28/2005	128	Minute Entry for proceedings held before Judge B. Lynn Winmill : Scheduling Conference held on 1/28/2005. Court will issue an appropriate scheduling order. (Court Reporter Stacy Heinz.) (lg,)
02/04/2005	129	CASE MANAGEMENT ORDER. Signed by Judge B. Lynn Winmill. (dkh,) (Entered: 02/07/2005)
03/24/2005	130	SEALED ORDER by Honorable B. Lynn Winmill. (ja,)
03/24/2005	131	Second PETITION for Writ of Habeas Corpus <i>By a Person in State Custody</i> (Filing fee \$ 5.), filed by Thomas Eugene Creech. (Attachments: # 1 Appendix Appendix A, B & C)(Fisher, Joan)
03/24/2005	132	AFFIDAVIT of Thomas E. Creech re 131 Petition for Writ of Habeas Corpus filed by Thomas Eugene Creech <i>Verification of Second Amended Petition</i> . (Fisher, Joan)
05/23/2005	133	MOTION to Dismiss <i>Teague-Barred Claims</i> by Dave Pasket. Responses due by 6/16/2005 (Attachments: # 1 Brief in Support of Respondent's Motion to Dismiss <i>Teague-Barred Claims</i>)(Anderson, L)

05/23/2005	134	MOTION to Dismiss <i>Procedurally Defaulted Claims</i> by Dave Pasket. Responses due by 6/16/2005 (Attachments: # 1 Brief in Support of Respondent's Motion to Dismiss Procedurally Defaulted Claims)(Anderson, L)
06/28/2005	135	MOTION Order for Access to Petitioner by Mental Health Expert by Thomas Eugene Creech. Responses due by 7/22/2005 (Attachments: # 1 Declaration of Support) (Fisher, Joan)
06/30/2005	136	RESPONSE to Motion re 135 MOTION Order for Access to Petitioner by Mental Health Expert <i>Notice of Non-Objection to Petitioner's Motion for Order of Access</i> filed by Dave Pasket. (Anderson, L)
07/06/2005	137	AMENDED 135 MOTION for Order for Access to Petitioner by Mental Health Expert by Thomas Eugene Creech. Responses due by 8/1/2005 (Hampton, Teresa) Modified on 7/7/2005 (sb,).
07/07/2005	138	ORDER granting 137 Amend Motion for Access to Petitioner; original motion 135 deemed moot . Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,)
07/15/2005	139	First MOTION for Discovery by Thomas Eugene Creech. Responses due by 8/8/2005 (Attachments: # 1 Attachment# 2 Memorandum in Support)(Hampton, Teresa)
07/18/2005	140	MOTION for Extension of Time to File Response/Reply as to 134 MOTION to Dismiss <i>Procedurally Defaulted Claims</i> by Thomas Eugene Creech. Responses due by 8/11/2005 (Attachments: # 1 Memorandum in Support Of Motion to Extend Time to File Petitioner's Response...)(Fisher, Joan)
07/22/2005	141	MEMORANDUM in Opposition re 133 MOTION to Dismiss <i>Teague-Barred Claims</i> filed by Thomas Eugene Creech. (Fisher, Joan)
07/25/2005	142	ORDER granting 140 Motion for Extension of Time to File Response re 134 MOTION to Dismiss <i>Procedurally Defaulted Claims</i> . Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,)
08/04/2005	143	RESPONSE to Motion 139 for Discovery filed by Dave Pasket. (Anderson, L) Modified on 8/5/2005 (sb,).
08/04/2005	144	REPLY to Response re 133 MOTION to Dismiss <i>Teague-Barred Claims</i> filed by Dave Pasket. (Anderson, L) Modified on 8/5/2005 (sb,).
08/18/2005	145	REPLY to Response to Motion re 139 First MOTION for Discovery filed by Thomas Eugene Creech. (Hampton, Teresa)
10/14/2005	146	ORDER denying 139 Motion for Discovery; Petitioner shall file reponse to Motion to Dismiss Defaulted Claims w/i 30 days, reply due w/i 20 days; John Hardison will be substituted in for Dave Paskett. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,) (Entered: 10/17/2005)
11/10/2005	147	MOTION for Extension of Time to File Response/Reply by Thomas Eugene Creech. Responses due by 12/5/2005 (Attachments: # 1 Declaration of Joan Fisher in Support of Motion)(Fisher, Joan) Modified on 11/14/2005 (sb,).

11/10/2005	148	RESPONSE to Motion re 147 MOTION for Extension of Time to File Response/Reply <i>Notice of Non-Objection to Petitioner's Motion for Extension of Time to Respond to Motion for Procedural Default</i> filed by John Hardison. (Anderson, L)
11/21/2005	149	ORDER granting 147 Motion for Extension of Time to File Response re 134 MOTION to Dismiss <i>Procedurally Defaulted Claims</i> Responses due by 12/14/2005. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,)
12/14/2005	150	MOTION for Extension of Time to File Response to Motion for Procedural Default 133 by Thomas Eugene Creech. Responses due by 1/7/2006 (Attachments: # 1 Declaration of Joan Fisher in Support of Motion)(Fisher, Joan) Modified on 12/15/2005 (sb,).
12/16/2005	151	RESPONSE to Motion re 150 MOTION for Extension of Time to File Response/Reply <i>Notice of Non-Objection to Petitioner's Motion for Extension of Time</i> filed by John Hardison. (Anderson, L)
12/19/2005	152	MOTION for Leave to File Excess Pages / <i>Motion to file Overlength Brief</i> by Thomas Eugene Creech. Responses due by 1/12/2006 (Attachments: # 1 Declaration of Joan Fisher)(Fisher, Joan) Modified on 12/20/2005 (sb,).
12/19/2005	153	RESPONSE to Motion re 134 MOTION to Dismiss <i>Procedurally Defaulted Claims</i> filed by Thomas Eugene Creech. (Fisher, Joan)
12/23/2005	154	ORDER granting 150 Motion for Extension of Time to File Response to 134 MOTION to Dismiss <i>Procedurally Defaulted Claims</i> . Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,)
01/04/2006	155	RESPONSE to Motion re 152 MOTION for Leave to File Excess Pages / <i>Motion to file Overlength Brief Notice of Non-Objection to Petitioner's Motion to File Oversize Brief</i> filed by John Hardison. Replies due by 1/19/2006. (Anderson, L)
01/04/2006	156	ORDER granting in part and denying in part 152 Motion for Leave to File Excess Pages; Petitioner shall have 7 days to submit new brief that does not exceed 60 pages; respondent's reply shall not exceed 25 pages due w/i 20 days thereafter.. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,) (Entered: 01/05/2006)
01/17/2006	157	MEMORANDUM in Opposition re 134 MOTION to Dismiss <i>Procedurally Defaulted Claims Amended</i> filed by Thomas Eugene Creech. Replies due by 1/31/2006. (Hampton, Teresa)
02/06/2006	158	MOTION for Extension of Time to File Response/Reply as to 153 Response to Motion by John Hardison. Responses due by 3/2/2006 (Attachments: # 1 Affidavit)(Anderson, L)
02/06/2006	159	NOTICE by Thomas Eugene Creech re 158 MOTION for Extension of Time to File Response/Reply as to 153 Response to Motion (Fisher, Joan)
02/08/2006	162	ORDER granting 158 Motion for Extension of Time to File Response re 134 MOTION to Dismiss <i>Procedurally Defaulted Claims</i> Responses due by 2/20/2006. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,) (Entered: 02/08/2006)

		02/15/2006)
02/14/2006	160	Second MOTION for Discovery by Thomas Eugene Creech. Responses due by 3/10/2006 (Hampton, Teresa)
02/14/2006	161	MEMORANDUM/BRIEF re 160 Second MOTION for Discovery filed by Thomas Eugene Creech. (Hampton, Teresa)
02/21/2006	163	MOTION for Extension of Time to File Response/Reply as to 157 Memorandum in Opposition to Motion by John Hardison. Responses due by 3/17/2006 (Attachments: # 1 Affidavit)(Anderson, L)
02/23/2006	164	NOTICE by Thomas Eugene Creech re 163 MOTION for Extension of Time to File Response/Reply as to 157 Memorandum in Opposition to Motion <i>Notice of Non-Objection</i> (Fisher, Joan)
02/27/2006	165	DOCKET ENTRY ORDER - Pending before the Court is Respondents motion for an extension of time. (Docket No. 163). The Court having considered the pleadings shall grant the motion. It is hereby ordered that Respondents brief in support of Respondents motion to dismiss procedurally defaulted claims shall be filed on or before March 7, 2006. Signed by Judge B. Lynn Winmill. (sbh)
03/08/2006	166	NOTICE by John Hardison <i>Notice of Third Supplemental Lodging of State Court Records</i> (Anderson, L)
03/08/2006	167	MOTION for Extension of Time to File Response/Reply as to 157 Memorandum in Opposition to Motion by John Hardison. Responses due by 4/3/2006 (Attachments: # 1 Affidavit)(Anderson, L)
03/08/2006	168	MOTION for Leave to File Excess Pages by John Hardison. Responses due by 4/3/2006 (Anderson, L)
03/08/2006	169	REPLY to Response to Motion re 134 MOTION to Dismiss <i>Procedurally Defaulted Claims</i> filed by John Hardison. (Anderson, L)
03/10/2006	170	RESPONSE to Motion re 160 Second MOTION for Discovery filed by John Hardison. Replies due by 3/24/2006. (Anderson, L)
03/13/2006	171	DOCKET ENTRY ORDER - Pending before the Court are two motions filed by the Respondent -- the first is a Motion for an Extension of Time within which to file the state's Reply Brief (Docket No. 167); and the second is a Motion to File an Oversize Reply Brief (Docket No. 168). The Court having considered the pleadings shall grant both motions. The oversize Reply Brief shall be ordered filed. Signed by Judge B. Lynn Winmill. (sbh)
03/24/2006	172	REPLY to Response to Motion re 160 Second MOTION for Discovery filed by Thomas Eugene Creech. (Hampton, Teresa)
03/29/2006	173	MEMORANDUM DECISION AND ORDER granting in part and denying in part 133 Motion to Dismiss Teague-barred claims, conditionally granting in part and denying in part 134 Motion to Dismiss procedurally defaulted claims, granting in part and denying in part 160 Motion for Discovery; Pet to file a supplemental brief, which he may support with relevant material developed during discovery, demonstrating why cause and prejudice excuses the default of another habeas claim within 60 days; Within 30 days of receiving pet's supplement brief, res may file a supplemental response. Both the supplemental brief and supplemental response will be limited to 20 pages. No reply brief shall be filed . Signed by Judge B. Lynn Winmill. (caused to be

		mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by dkh,)
04/10/2006	174	NOTICE to Take Deposition of August H. Cahill on April 25, 2006 by Thomas Eugene Creech.(Fisher, Joan)
05/30/2006	175	MEMORANDUM/BRIEF re 157 Memorandum in Opposition to Motion filed by Thomas Eugene Creech <i>Supplemental Brief in Support of Cause and Prejudice</i> . (Attachments: # 1)(Fisher, Joan)
05/30/2006	176	NOTICE by Thomas Eugene Creech re 175 Memorandum/Brief (generic) <i>Notice of Lodging</i> (Fisher, Joan)
05/31/2006		Remark --Copy of Deposition of August Cahill lodged with court and located with Capital Case exhibits (sb,)
06/26/2006	177	MOTION for Extension of Time to File Response/Reply as to 175 Memorandum/Brief (generic) by John Hardison. Responses due by 7/20/2006 (Attachments: # 1 Affidavit) (Anderson, L)
06/26/2006	178	NOTICE by Thomas Eugene Creech re 177 MOTION for Extension of Time to File Response/Reply as to 175 Memorandum/Brief (generic) <i>Notice of Non-Objection</i> (Fisher, Joan)
06/30/2006	179	DOCKET ENTRY ORDER - Pending before the Court is Respondents Motion for an Extension of Time, filed June 26, 2006. (Docket No. 177). The Court having considered the pleadings shall grant the motion. It is hereby ordered that Respondents Response to Petitioners Supplemental Brief in Support of Cause and Prejudice is due on or before August 2, 2006. Signed by Judge B. Lynn Winmill. (sbh)
07/28/2006	180	RESPONSE to 175 Supplemental Brief (generic) filed by John Hardison <i>in Support of Cause and Prejudice</i> . (Anderson, L) Modified on 7/31/2006 (sb,).
10/16/2006	181	MEMORANDUM DECISION & ORDER 173 : the following Claims in the Second Amended Petition are DISMISSED with prejudice: 4(in part), 8, portions of 10 and 11, 13,16, 17,19,22(to extent it relies on the 8th Amendemtn), 29-32, 44 and 45; Respondent shall file an answer to Second Amended Petition w/i 45 days; Petitioner's brief due w/i 45 days thereafter, also any motions re additional evidentiary development; 30 days after receipt of brief, respondent shall file responsive brief, petitioner may reply w/i 20 days. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,)
11/28/2006	182	MOTION for Extension of Time to File Answer by John Hardison. Responses due by 12/22/2006 (Attachments: # 1 Affidavit)(Anderson, L)
11/28/2006	183	NOTICE by Thomas Eugene Creech <i>Notice of Non-Objection</i> (Fisher, Joan)
12/01/2006	184	DOCKET ENTRY ORDER - Pending before the Court is Respondent's Motion for Extension of Time. 182 . The Court having considered the pleadings, shall grant the Motion. Respondent's Answer shall be due on or before December 28, 2006. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
12/21/2006	185	MOTION for Extension of Time to File Answer by John Hardison. Responses due by 1/16/2007 (Attachments: # 1 Affidavit)(Anderson, L)

12/21/2006	186	NOTICE by Thomas Eugene Creech re 185 MOTION for Extension of Time to File Answer <i>Notice of Non-Objection</i> (Fisher, Joan)
12/28/2006	187	DOCKET ENTRY ORDER - Pending before the Court is Respondent's Motion for an Extension of Time to File an Answer. 185 . The Court having considered the pleadings shall grant the Motion. It is hereby ordered that Respondent's Answer shall be filed on or before January 29, 2007. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
01/29/2007	188	MOTION for Extension of Time to File Answer by John Hardison. Responses due by 2/22/2007 (Attachments: # 1 Affidavit)(Anderson, L)
01/30/2007	189	NOTICE by Thomas Eugene Creech re 188 MOTION for Extension of Time to File Answer <i>Notice of Non-Objection</i> (Fisher, Joan)
01/31/2007	190	DOCKET ENTRY ORDER - Pending before the Court is Respondent's Motion for Extension of Time. 188 The Court, having considered the pleadings, shall grant the Motion. Respondent's Answer shall be due on or before March 5, 2007. No additional extensions of time shall be permitted absent exceptional circumstances. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
03/05/2007	191	Answer to Second Amended Petition for Writ of Habeas Corpus RESPONSE to Petition for Writ of Habeas Corpus by John Hardison.(Anderson, L)
03/23/2007	192	MOTION for Reconsideration re 181 Memorandum Decision,, <i>re: scheduling order</i> by Thomas Eugene Creech. Responses due by 4/16/2007 (Hampton, Teresa)
04/03/2007	193	MOTION Access to Petitioner by Mental Health Expert by Thomas Eugene Creech. Responses due by 4/27/2007 (Attachments: # 1 Declaration)(Fisher, Joan)
04/06/2007	194	RESPONSE to Motion re 193 MOTION Access to Petitioner by Mental Health Expert <i>Notice of Non-Objection to Petitioner's Motion for Order of Access</i> filed by John Hardison. Replies due by 4/20/2007. (Anderson, L)
04/11/2007	195	RESPONSE to Motion re 192 MOTION for Reconsideration re 181 Memorandum Decision,, <i>re: scheduling order</i> filed by John Hardison. Replies due by 4/25/2007. (Anderson, L)
04/12/2007	196	REPLY to Response to Motion re 192 MOTION for Reconsideration re 181 Memorandum Decision,, <i>re: scheduling order</i> filed by Thomas Eugene Creech. (Hampton, Teresa)
04/13/2007	197	DOCKET ENTRY ORDER - Currently before the Court is Petitioners Motion to Amend Briefing and Motion Schedule. 192 Having considered the pleadings, the Court shall grant the motion in part and deny it in part. The Courts previous scheduling order (Docket No. 181, pp. 22-23) shall be amended as follows. By May 14, 2007, Petitioner shall file any motions for evidentiary development, which may include requests for discovery, expansion of the record, or an evidentiary hearing. Respondent shall submit a response on or before June 14, 2007, and Petitioners reply shall be filed on or before July 5, 2007. The Court is not persuaded by Petitioners argument that a request for discovery on the merits in this post-AEDPA case should be resolved before a motion for evidentiary hearing is filed. After all issues associated with evidentiary development are resolved, the Court will issue a new scheduling

		order for the filing of briefing on the merits of the remaining claims or other dispositive motions. Signed by Judge B. Lynn Winmill. (sbh)
04/20/2007	198	ORDER granting 193 Motion for Access to Petitioner by Mental Health Expert. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,)
05/14/2007	199	MOTION for Extension of Time to File <i>Motions for Evidentiary Development</i> by Thomas Eugene Creech. Responses due by 6/7/2007 (Attachments: # 1)(Fisher, Joan)
05/15/2007	200	Sealed Document <i>Ex Parte Motion</i> . (Attachments: # 1 Declaration 1# 2 Attachment 1-A# 3 Declaration 2# 4 Attachment 2-A# 5 Declaration 3)(Hampton, Teresa)
05/16/2007	201	DOCKET ENTRY ORDER - Currently before the Court is Petitioner's Motion for Extension of Time 199 . Having considered the pleadings, the Court shall grant the Motion. Petitioner's motion or motions for evidentiary development shall be due on or before June 13, 2007. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
06/13/2007	202	MOTION for Extension of Time to File <i>Motions for Evidentiary Development</i> by Thomas Eugene Creech. Responses due by 7/12/2007 (Attachments: # 1)(Fisher, Joan)
06/18/2007	203	RESPONSE to Motion re 202 MOTION for Extension of Time to File <i>Motions for Evidentiary Development Notice of Non-Objection to Petitioner's Motion for Extension of Time</i> filed by John Hardison. Replies due by 7/5/2007. (Anderson, L)
06/19/2007	204	SEALED MOTION by Thomas Eugene Creech. Responses due by 7/16/2007 (Hampton, Teresa)
06/20/2007	205	DOCKET ENTRY ORDER - Pending before the Court is Petitioner's Motion for an Extension of Time to File <i>Motions for Evidentiary Development</i> 202 . The Court having considered the pleadings, shall grant the Motion. Petitioner's motion shall be filed on or before July 13, 2007. Respondent's response shall be due on or before August 13, 2007. The optional reply is due on or before August 31, 2007. No further extensions shall be granted to Petitioner absent a showing of exceptional circumstances. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
06/20/2007		Reset Deadlines re <i>Motions for Evidentiary Development</i> : This is a court utility event only. Motions due by 7/13/2007. (sb,) (Entered: 06/21/2007)
06/25/2007	206	Sealed Document Re: 204 SEALED MOTION. (Anderson, L)
06/29/2007	207	SEALED ORDER granting 204 Motion. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,)
07/06/2007	208	Final MOTION for Extension of Time to File <i>Evidentiary Motions for Evidentiary Development</i> by Thomas Eugene Creech. Responses due by 8/2/2007 (Attachments: # 1 Declaration of Joan M. Fisher in Support of Motion for Extension of Time to File <i>Motions for Evidentiary Development</i> # 2 Declaration of Teresa A. Hampton in Support of Motion for Extension of Time to File <i>Motions for Evidentiary Development</i>)(Fisher, Joan)

07/10/2007	209	RESPONSE to Motion re 208 Final MOTION for Extension of Time to File <i>Evidentiary Motions for Evidentiary Development Notice of Non-Objection to Petitioner's Motion for Extension of Time</i> filed by John Hardison. Replies due by 7/27/2007. (Anderson, L)
07/17/2007	210	DOCKET ENTRY ORDER - Before the Court is Petitioner's Final Motion for an Extension of Time to File Motions for Evidentiary Development. 208 . Respondent is not opposed to the request. Having considered the pleadings, the Court shall grant the motion. Petitioner's Motion for Evidentiary Development shall be filed on or before August 13, 2007. Respondent's response shall be filed on or before September 13, 2007. The optional reply is due on or before September 27, 2007. No further extensions of time shall be granted to Petitioner. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
08/13/2007	211	MOTION for Hearing - <i>Evidentiary Hearing</i> by Thomas Eugene Creech. Responses due by 9/7/2007 (Attachments: # 1 Appendix Memorandum in Support# 2 Appendix Appendix A-1, Deposition of Robert Newhouse# 3 Appendix Appendix !-2, Deposition of Robert Newhouse, Part 2# 4 Appendix Appendix B, Order on Remand) (Fisher, Joan)
08/13/2007	212	DECLARATION of Joan M. Fisher re 211 MOTION for Hearing - <i>Evidentiary Hearing</i> filed by Thomas Eugene Creech. (Attachments: # 1 Appendix A-Declarations of Virginia Plageman & Billy Creech# 2 Appendix B- Capital Sentencing Study)(Fisher, Joan)
08/13/2007	213	MOTION to Take Judicial Notice by Thomas Eugene Creech. Responses due by 9/7/2007 (Attachments: # 1 Memorandum in Support # 2 Appendix Attachment A to Memorandum in Support of Motion to Take Judicial Notice)(Fisher, Joan)
08/13/2007	214	MOTION for Discovery by Thomas Eugene Creech. Responses due by 9/7/2007 (Attachments: # 1 Memorandum in Support # 2 Appendix Interrogatories)(Fisher, Joan)
09/13/2007	215	MOTION for Extension of Time to File Response/Reply as to 211 MOTION for Hearing - <i>Evidentiary Hearing</i> , 213 MOTION to Take Judicial Notice, 214 MOTION for Discovery by John Hardison. Responses due by 10/9/2007 (Attachments: # 1 Affidavit)(Anderson, L)
09/14/2007	216	NOTICE by Thomas Eugene Creech re 215 MOTION for Extension of Time to File Response/Reply: No Objection (Fisher, Joan) Modified on 9/17/2007 (sb,).
09/24/2007	217	DOCKET ENTRY ORDER - Before the Court is Respondent's Motion for Extension of Time. 215 Having considered the pleadings, the Court shall grant the motion. Respondent's responses to Petitioner's Motion for Evidentiary Hearing, Motion to Take Judicial Notice, and Motion for Leave to Conduct Discovery shall be filed on or before October 15, 2007. The optional replies shall be filed on or before November 5, 2007. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
10/15/2007	218	MOTION for Extension of Time to File Response/Reply as to 211 MOTION for Hearing - <i>Evidentiary Hearing</i> , 213 MOTION to Take Judicial Notice, 214 MOTION for Discovery by John Hardison. Responses due by 11/8/2007 (Attachments: # 1 Affidavit)(Anderson, L)

10/17/2007	219	NOTICE by Thomas Eugene Creech re 218 MOTION for Extension of Time to File Response/Reply as to 211 MOTION for Hearing - <i>Evidentiary Hearing</i> , 213 MOTION to Take Judicial Notice, 214 MOTION for Discovery MOTION for Extension of Time to File Response/Reply as to 211 MOTION for Hearing - <i>Evidentiary Hearing</i> , 213 MOTION to Take Judicial Notice, 214 MOTION for Discovery <i>od Non-Objection</i> (Fisher, Joan)
10/21/2007	220	DOCKET ENTRY ORDER - Before the Court is Respondent's Motion for Extension of Time 218 . Having considered the pleadings, the Court shall grant the motion. Respondent's responses to Petitioner's motions for judicial notice, discovery, and an evidentiary hearing shall be filed on or before October 29, 2007. Any replies shall be filed on or before November 19, 2007. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
10/25/2007	221	RESPONSE to Motion re 211 MOTION for Hearing - <i>Evidentiary Hearing</i> filed by John Hardison. Replies due by 11/13/2007. (Anderson, L)
10/25/2007	222	RESPONSE to Motion re 214 MOTION for Discovery filed by John Hardison. Replies due by 11/13/2007. (Anderson, L)
10/25/2007	223	RESPONSE to Motion re 213 MOTION to Take Judicial Notice filed by John Hardison. Replies due by 11/13/2007. (Anderson, L)
11/16/2007	224	MOTION for Extension of Time to File Response/Reply by Thomas Eugene Creech. Responses due by 12/10/2007 (Attachments: # 1 Declaration in Support)(Fisher, Joan)
11/19/2007	225	DOCKET ENTRY ORDER - Before the Court is Petitioner's Motion for Extension of Time 224 . Having considered the pleadings, the Court shall grant the motion. Petitioner's reply is due on or before December 20, 2007. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
12/20/2007	226	REPLY to Response to Motion re 214 MOTION for Discovery filed by Thomas Eugene Creech. (Fisher, Joan)
12/20/2007	227	REPLY to Response to Motion re 213 MOTION to Take Judicial Notice filed by Thomas Eugene Creech. (Fisher, Joan)
12/20/2007	228	REPLY to Response to Motion re 211 MOTION for Hearing - <i>Evidentiary Hearing</i> filed by Thomas Eugene Creech. (Attachments: # 1 Appendix A, B, C and D)(Fisher, Joan)
03/13/2008	229	MEMORANDUM DECISION and ORDER denying 211 Petitioner's Motion for Evidentiary Hearing, 213 Motion to Take Judicial Notice, and 214 Motion for Leave to conduct Discovery; no later than 4/29/08, petitioner shall file a brief containing points and authorities on the merits of all non-dismissed claims. Petitioner shall also address any remaining Teague issues. Responses and optional reply are due thereafter. Court advises it will not grant any extensions of time abset a showing of exceptional circumstances.. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb,)
04/25/2008	230	MOTION to Stay <i>Pending Appointment of Substitute Counsel</i> Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 5/19/2008

		(Hampton, Teresa)
04/25/2008	231	MOTION to Substitute Attorney Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 5/19/2008 (Hampton, Teresa)
04/25/2008	232	DECLARATION of Bruce Livingston re 231 MOTION to Substitute Attorney filed by Thomas Eugene Creech. (Hampton, Teresa)
04/25/2008	233	DECLARATION of Teresa A. Hampton re 230 MOTION to Stay <i>Pending Appointment of Substitute Counsel</i> , 231 MOTION to Substitute Attorney filed by Thomas Eugene Creech. (Attachments: # 1 Exhibit)(Hampton, Teresa)
05/06/2008	234	RESPONSE to Motion re 231 MOTION to Substitute Attorney <i>Notice of Non-Objection</i> filed by John Hardison. Replies due by 5/23/2008.(Anderson, L)
05/06/2008	235	RESPONSE to Motion re 230 MOTION to Stay <i>Pending Appointment of Substitute Counsel</i> filed by John Hardison. Replies due by 5/23/2008.(Anderson, L)
05/23/2008	236	REPLY to Response to Motion re 230 MOTION to Stay <i>Pending Appointment of Substitute Counsel</i> filed by Thomas Eugene Creech.(Hampton, Teresa)
06/17/2008	237	ORDER granting 231 Motion for Substitute Attorney. Teresa Hampton will be Lead Counsel; Denise Young will be added as Co-counsel for Thomas Eugene Creech (Attorney Joan M Fisher terminated); Motion for Stay construed as Motion for extension of Time and is granted 230 - Petitioner shall file brief on merits on or before 9/15/08, response due 10/29/08, optional reply due 11/19/08. Attorneys to submit ex parte any budget admendments. Capital Habeas Unit will remain in case to serve in a limited capacity. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sb)
08/29/2008	238	SEALED ORDER. Signed by Judge B. Lynn Winmill. (jlg) cc Teresa Hampton and Denise Young via email by jlg.
09/10/2008	239	MOTION for Extension of Time to File <i>Brief on the Merits</i> Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 10/6/2008 (Hampton, Teresa)
09/10/2008	240	DECLARATION of Teresa A. Hampton re 239 MOTION for Extension of Time to File <i>Brief on the Merits</i> filed by Thomas Eugene Creech. (Hampton, Teresa)
09/11/2008	241	SUPPLEMENT by Petitioner Thomas Eugene Creech re 239 MOTION for Extension of Time to File <i>Brief on the Merits</i> . (Hampton, Teresa)
09/12/2008	242	DOCKET ENTRY ORDER - Pending before the Court is Petitioner's unopposed Motion for Extension of Time 239 . Having considered the matter, the Court shall grant the motion. Petitioner's brief on the merits is due on or before October 3, 2008. The brief shall be filed by the due date, or the Court may consider the matter to have been submitted on the current pleadings and the record. D. Idaho L. R. 9.2(f)(7)(B). Respondent's response is due on or before December 3, 2008. Petitioner's optional reply shall be filed on or before December 24, 2008. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
10/03/2008	243	MOTION for Leave to File Excess Pages Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 10/27/2008 (Hampton, Teresa)

10/03/2008	244	DECLARATION of Counsel re 243 MOTION for Leave to File Excess Pages filed by Thomas Eugene Creech. (Hampton, Teresa)
10/03/2008	245	MEMORANDUM/BRIEF filed by Thomas Eugene Creech <i>Brief on the Merits</i> . (Attachments: # 1 Appendix, # 2 Appendix)(Hampton, Teresa)
10/07/2008	247	DOCKET ENTRY ORDER - Pending before the Court is Petitioner's Motion to File Brief in Excess of Sixty Pages 243 . Having considered the matter, the Court shall grant the motion. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
12/02/2008	248	MOTION for Extension of Time to File L LaMont Anderson appearing for Respondent John Hardison. Responses due by 12/26/2008 (Attachments: # 1 Affidavit)(Anderson, L)
12/04/2008	249	DOCKET ENTRY ORDER - Pending before the Court is Respondent's unopposed Motion for Extension of Time 248 . Having considered the matter, the Court shall grant the motion. Respondent's merits brief shall be filed on or before February 2, 2009. Petitioner reply, if any, shall be filed on or before February 23, 2009. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
12/15/2008	250	STIPULATION re 249 Order on Motion for Extension of Time to File, <i>Response and Reply Briefs</i> by Thomas Eugene Creech. (Hampton, Teresa)
12/15/2008	251	DECLARATION of Teresa A. Hampton re 250 Stipulation filed by Thomas Eugene Creech. (Hampton, Teresa)
12/23/2008	252	DOCKET ENTRY ORDER - Before the Court is the parties' Stipulation to Extend Briefing Schedule 250 . Having considered the matter, the Court shall grant the stipulation. Respondent's response to Petitioner's merits brief is due on or before February 27, 2009. Petitioner's reply is due on or before March 20, 2009. Signed by Judge B. Lynn Winmill. (sbh)
12/23/2008		Reset Deadlines as to Response to Merit's Brief due by 2/27/2009; Replies due by 3/20/2009. (sb) (Entered: 12/29/2008)
02/26/2009	253	MOTION for Extension of Time to File L LaMont Anderson appearing for Respondent John Hardison. Responses due by 3/23/2009 (Attachments: # 1 Affidavit) (Anderson, L)
03/05/2009	254	DOCKET ENTRY ORDER - Before the Court is Respondent's unopposed Motion for an Extension of Time 253 . Having considered the matter, the Court grants the Motion. Respondent's brief on the merits shall be filed on or before April 28, 2009. Petitioner's reply shall be filed within 21 days of receiving Respondent's brief. No further extensions shall be granted to Respondent absent a showing of exceptional circumstances. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
03/05/2009		Reset Deadlines as to Respondent's Brief on Merits due by 4/28/2009; Replies due by 5/19/2009. (sb) (Entered: 03/06/2009)

04/28/2009	255	MOTION for Extension of Time to File Response/Reply as to 245 Memorandum/Brief (generic) L LaMont Anderson appearing for Respondent John Hardison. Responses due by 5/22/2009 (Attachments: # 1 Affidavit)(Anderson, L)
04/28/2009	256	NOTICE by Thomas Eugene Creech re 255 MOTION for Extension of Time to File Response/Reply as to 245 Memorandum/Brief (generic) <i>Notice of Non-Opposition to Motion</i> (Hampton, Teresa)
05/20/2009	257	MOTION to Amend/Correct 255 MOTION for Extension of Time to File Response/Reply as to 245 Memorandum/Brief (generic) L LaMont Anderson appearing for Respondent John Hardison. Responses due by 6/15/2009 (Attachments: # 1 Affidavit)(Anderson, L)
05/26/2009	258	DOCKET ENTRY ORDER - Before the Court is Respondent's Amended Motion for Extension of Time 257 . Having considered the matter, the Court shall grant the motion. Respondent's brief on the merits shall be filed on or before June 19, 2009. Petitioner's reply is due within 21 days of receiving Respondent's brief. Respondent's Motion for Extension of Time 255 is deemed moot. No further extensions shall be granted to Respondent absent a showing of exceptional circumstances. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
05/26/2009		Set/Reset Deadlines as to 245 MEMORANDUM/BRIEF filed by Thomas Eugene Creech Brief on the Merits. (Attachments: # 1 Appendix, # 2 Appendix)(Hampton, Teresa) Responses due by 6/19/2009 Replies due by 7/10/2009. (dks) (Entered: 05/27/2009)
06/18/2009	259	MOTION for Extension of Time to File L LaMont Anderson appearing for Respondent John Hardison. Responses due by 7/13/2009 (Attachments: # 1 Affidavit) (Anderson, L)
06/18/2009	260	RESPONSE to Motion re 259 MOTION for Extension of Time to File filed by Thomas Eugene Creech. Replies due by 7/6/2009.(Hampton, Teresa)
07/06/2009	261	MOTION for Leave to File Excess Pages L LaMont Anderson appearing for Respondent John Hardison. Responses due by 7/30/2009 (Anderson, L)
07/06/2009	262	RESPONSE re 245 Memorandum/Brief (generic) filed by John Hardison <i>Respondent's Brief on the Merits and Response to Petitioner's Brief on the Merits</i> . (Anderson, L)
07/13/2009	263	RESPONSE to Motion re 261 MOTION for Leave to File Excess Pages filed by Thomas Eugene Creech. Replies due by 7/30/2009.(Hampton, Teresa)
07/14/2009	264	DOCKET ENTRY ORDER - Before the Court are Respondent's Motion for Extension of Time 259 and Respondent's Motion to File an Oversize Brief 261 . Having considered the parties' positions, the Court shall grant the motions. Respondent's Brief on the Merits 262 shall be deemed timely and properly filed. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
07/21/2009	265	MOTION for Extension of Time to File Response/Reply Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 8/14/2009 (Hampton, Teresa)
07/22/2009	266	DOCKET ENTRY ORDER - Pending before the Court is Petitioner's Motion for an Extension of Time to File a Reply Brief 265 . Having considered the matter, the Court shall grant the motion. Petitioner shall file his reply to Respondent's Brief on the

		Merits on or before September 25, 2009. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
09/22/2009	267	MOTION for Extension of Time to File Response/Reply Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 10/16/2009 (Hampton, Teresa)
09/23/2009	268	RESPONSE to Motion re 267 MOTION for Extension of Time to File Response/Reply <i>Notice of Non-Objection</i> filed by John Hardison. Replies due by 10/13/2009.(Anderson, L)
09/29/2009	269	DOCKET ENTRY ORDER - Pending before the Court is Petitioner's unopposed Motion for Extension of Time 267 . Having considered the matter, the Court shall grant the motion. Petitioner's reply is due on or before October 23, 2009. The Court shall not grant additional extensions of time to file a reply brief absent exceptional circumstances. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
10/23/2009	270	MOTION for Leave to File Excess Pages Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 11/16/2009 (Hampton, Teresa)
10/23/2009	271	REPLY re 262 Response(generic), 245 Memorandum/Brief (generic) filed by Thomas Eugene Creech <i>Petitioner's Reply Brief</i> . (Hampton, Teresa)
10/26/2009	272	RESPONSE to Motion re 270 MOTION for Leave to File Excess Pages filed by John Hardison. Replies due by 11/12/2009.(Anderson, L)
11/03/2009	273	DOCKET ENTRY ORDER granting 270 Motion for Leave to File Excess Pages. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by cd)
11/17/2009	274	NOTICE by John Hardison re 262 Response(generic) <i>Notice of Supplemental Authorities</i> (Anderson, L)
01/11/2010	275	DOCKET ENTRY NOTICE of Hearing - This matter is set for oral argument on the non-dismissed claims from the Second Amended Petition (Docket No. 131) on February 19, 2010, at 3:30 p.m. in Boise, ID before Judge B. Lynn Winmill. (jlg)
01/11/2010		Set Hearings: In Court Hearing set for 2/19/2010 03:30 PM in Boise, ID before Judge B. Lynn Winmill. (jlg)
02/19/2010	276	Minute Entry for proceedings held before Judge B. Lynn Winmill: Hearing on the non-dismissed claims of the Second Amended Petition held on 2/19/2010. Matter taken under advisement. (Court Reporter Tammy Hohenleitner.) (jlg) (Entered: 02/22/2010)
03/26/2010	277	Transcript of Proceedings (Oral Argument on Second Amended Petition) held on 2/19/10 before Judge B. Lynn Winmill. Court Reporter/Transcriber Tammy Hohenleitner, Telephone number (208) 334-1500. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. This transcript is not available to the general public and as such is sealed. Redaction Request due 4/19/2010. Redacted Transcript Deadline set for 4/29/2010. Release of Transcript Restriction set for 6/28/2010.(dks)

03/26/2010	278	Notice of Filing of Official Transcript (dks)
03/31/2010	279	MEMORANDUM DECISION AND ORDER that the second amended petition for writ of habeas corpus is denied. This case is dismissed with prejudice. The Court shall issue a certificate of appealability over the Court's resolution of Claims 2,3,4 (as limited herein), 25, and 27 in the second amended petition, including the Court's decision to deny additional discovery and an evidentiary hearing on any of these claims, if applicable. The Court shall not certify any other issue or claim for appeal.. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by dks)
03/31/2010	280	JUDGMENT dismissing case with prejudice. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by dks)
04/28/2010	281	MOTION to Alter Judgment Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 5/24/2010 (Hampton, Teresa)
05/14/2010	282	RESPONSE to Motion re 281 MOTION to Alter Judgment filed by John Hardison. Replies due by 6/1/2010.(Anderson, L)
06/09/2010	283	MEMORANDUM DECISION AND ORDER denying 281 Motion to Alter Judgment. Petitioner's request for a certificate of appealability over the Court's denial of claim 1, contained within the present Motion, is likewise DENIED. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by cjm) (Entered: 06/10/2010)
07/09/2010	284	NOTICE OF APPEAL as to 279 Memorandum Decision, Order, 283 Order on Motion to Alter Judgment, by Thomas Eugene Creech. (Notice sent to Court Reporter & 9th Cir) (Hampton, Teresa)(10-99015)
07/13/2010	285	USCA Case Number 10-99015 for 284 Notice of Appeal filed by Thomas Eugene Creech. (dks) (Entered: 07/15/2010)
07/13/2010	286	USCA Time Scheduling Order as to 284 Notice of Appeal filed by Thomas Eugene Creech. (Notice sent by e-mail to Court Reporter) (dks) (Entered: 07/15/2010)
10/13/2010	287	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech (cjm) (Entered: 10/14/2010)
09/23/2011	288	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech. (cjm)
11/28/2011	289	Transmitted Record on Appeal to US Court of Appeals re 284 Notice of Appeal via FedEx Ground tracking number 328892615000376. (cjm)
05/17/2012	290	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, granting motion for extension of time. (cjm) (Entered: 05/18/2012)
06/01/2012	291	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, granting motion to file oversized reply. (cjm) (Entered: 06/04/2012)
06/15/2012	292	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech. Petitioner-Appellants motion to file under seal attachments 1-4 of his reply to Respondent-Appellees response to his motion to remand is DENIED. (cjm)
06/20/2012	293	ORDER of USCA vacating and remanding District Court's decision as to 284 Notice of Appeal filed by Thomas Eugene Creech (dks)

07/03/2012	294	ORDER re 293 USCA Order vacating and remanding District Court's decision. Petitioner shall file a supplemental brief by 9/21/2012. Respondents shall file a response to the supplemental brief by 10/22/2012. Petitioners shall file a reply by 11/16/2012. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjm)
09/14/2012	295	MOTION to Seal Document Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 10/9/2012 (Hampton, Teresa)
09/14/2012	296	MOTION Stay Briefing and Request for Status Conference Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 10/9/2012 (Hampton, Teresa)
09/14/2012	297	Sealed Document Re: 295 MOTION to Seal Document , 296 MOTION Stay Briefing and Request for Status Conference . (Hampton, Teresa)
09/17/2012	298	DOCKET ENTRY ORDER. Petitioner's Motion to Stay Briefing Schedule and Request for Status Conference 296 is granted. A status conference is set for September 27, 2012, at 3:30 p.m. at the United States Courthouse in Boise. The briefing schedule 294 is stayed pending further order of the Court. Petitioner's Unopposed Motion to Seal Document 295 is granted. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cd)
09/18/2012		Set Hearings: Status Conference set for 9/27/2012 03:30 PM in Boise - Courtroom 3 before Judge B. Lynn Winmill. Per Order dkt #298.(cjm)
09/27/2012	299	Minute Entry for proceedings held before Judge B. Lynn Winmill: Status Conference held on 9/27/2012. A Status Conference is set for 10/10/2012 at 4:30 PM in Boise - Courtroom 3 before Judge B. Lynn Winmill. (ESR Trinidad Diaz.) (jlg)
09/28/2012	300	DECLARATION of Denise I. Young filed by Thomas Eugene Creech . (Hampton, Teresa)
10/03/2012	301	MOTION to Seal Document Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 10/29/2012 (Hampton, Teresa)
10/03/2012	302	MEMORANDUM/BRIEF filed by Thomas Eugene Creech <i>Supplemental Authority re Motion for Continuance</i> . (Hampton, Teresa)
10/03/2012	303	Sealed Document Re: 301 MOTION to Seal Document , 302 Memorandum/Brief (generic) <i>Sealed Declaration of Teresa A. Hampton</i> . (Hampton, Teresa)
10/09/2012	304	NOTICE by Thomas Eugene Creech re 302 Memorandum/Brief (generic), 300 Declaration, 299 Status Conference, Set Deadlines/Hearings,, <i>Updated Notice of Co-Counsel Availability</i> (Hampton, Teresa)
10/10/2012	305	Minute Entry for proceedings held before Judge B. Lynn Winmill: Status Conference held on 10/10/2012. A written decision is forthcoming. (ESR Trinidad Diaz.) (jlg)
10/15/2012	306	ORDER re 294 Order and granting 301 Motion to Seal Document. Petitioners brief on Martinez issues shall by 6/3/2013. Respondents response is due by 7/15/2013. Petitioners reply, if any, is due by 8/2/2013. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjm)

06/03/2013	307	MOTION to Seal Document (<i>Attachments to Supplemental Martinez Brief</i>) Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 6/27/2013 (Attachments: # 1 Memorandum in Support)(Hampton, Teresa)
06/03/2013	308	MEMORANDUM/BRIEF filed by Thomas Eugene Creech (<i>Supplemental Martinez Brief</i>). (Hampton, Teresa)
06/03/2013	309	Sealed Document Re: 308 Memorandum/Brief (generic), 307 MOTION to Seal Document (<i>Attachments to Supplemental Martinez Brief</i>) . (Attachments: # 1 Attachment 2, # 2 Attachment 3, # 3 Attachment 4, # 4 Attachment 5, # 5 Attachment 6, # 6 Attachment 7)(Hampton, Teresa)
06/20/2013	310	RESPONSE to Motion re 307 MOTION to Seal Document (<i>Attachments to Supplemental Martinez Brief</i>) Notice of Non-Objection filed by John Hardison. Replies due by 7/8/2013.(Anderson, L)
07/11/2013	311	MOTION for Extension of Time to File Response/Reply as to 308 Memorandum/Brief (generic) L LaMont Anderson appearing for Respondent John Hardison. Responses due by 8/5/2013 (Attachments: # 1 Affidavit)(Anderson, L)
07/11/2013	312	RESPONSE to Motion re 311 MOTION for Extension of Time to File Response/Reply as to 308 Memorandum/Brief (generic) Notice of Non Objection filed by Thomas Eugene Creech. Replies due by 7/29/2013.(Hampton, Teresa)
08/01/2013	313	ORDER granting 307 Motion to Seal Document; granting 311 Motion for Extension of Time to File Response/Reply. The Attachments (Dkt. 309) are hereby SEALED. Respondents response brief regarding Martinez v. Ryan shall now be due no later than 10/1/2013. Petitioners reply shall now be due no later than 12/2/2013. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjm)
10/01/2013	314	MOTION for Extension of Time to File Response/Reply as to 308 Memorandum/Brief (generic) L LaMont Anderson appearing for Respondent John Hardison. Responses due by 10/25/2013 (Attachments: # 1 Affidavit)(Anderson, L)
10/07/2013	315	RESPONSE re 308 Memorandum/Brief (generic) filed by John Hardison <i>Response to Petitioner's Supplemental Opeing Brief Regarding Martinez</i> . (Anderson, L)
10/07/2013	316	MOTION for Leave to File Excess Pages L LaMont Anderson appearing for Respondent John Hardison. Responses due by 10/31/2013 (Anderson, L)
11/26/2013	317	MOTION for Extension of Time to File Response/Reply as to 315 Response(generic) Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 12/20/2013 (Attachments: # 1 Affidavit of Teresa Hampton in Support of Motion for Extension of Time)(Hampton, Teresa)
12/16/2013	318	REPLY re 315 Response(generic) filed by Thomas Eugene Creech <i>Reply to Response to Supplemental Martinez Brief</i> . (Hampton, Teresa)
12/16/2013	319	MOTION for Leave to File Excess Pages Teresa A Hampton appearing for Petitioner Thomas Eugene Creech. Responses due by 1/9/2014 (Hampton, Teresa)
12/17/2013	320	RESPONSE to Motion re 319 MOTION for Leave to File Excess Pages filed by John Hardison. Replies due by 1/3/2014.(Anderson, L)

12/17/2013	321	RESPONSE to Motion re 317 MOTION for Extension of Time to File Response/Reply as to 315 Response(generic) filed by John Hardison. Replies due by 1/3/2014.(Anderson, L)
04/16/2014	322	ORDER granting 314 Motion for Extension of Time to File Response/Reply ; granting 316 Motion for Leave to File Excess Pages; granting 317 Motion for Extension of Time to File Response/Reply ; granting 319 Motion for Leave to File Excess Pages. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (sd)
06/19/2014	323	Appeal Record Returned: 285 USCA Case Number, 286 USCA Scheduling Order, 289 Appeal Record Sent to USCA, 290 USCA Order, 287 USCA Order, 292 USCA Order, 284 Notice of Appeal, 288 USCA Order, 293 USCA Order, 291 USCA Order. Received record from USCA for the 9th Circuit. Replaced on shelf in Clerk's Office. (cjm)
01/29/2016	324	NOTICE of Substitution - Attorney Deborah Anne Czuba for Thomas Eugene Creech added. Attorney Teresa A Hampton terminated. (Attachments: # 1 Declaration of Deborah Anne Czuba)(Czuba, Deborah)
01/29/2016	325	MEMORANDUM DECISION AND ORDER ON REMAND. Respondent Al Ramirez is SUBSTITUTED for his predecessor as Warden of the Idaho Maximum Security Institution. The Court reaffirms its previous dismissal of Claim 4, 100(a) as procedurally defaulted. The Court reaffirms its previous grant of a certificate of appealability with respect to its resolution of the merits of the non-defaulted aspects of Claims 2, 3, 4. The Court now grants an additional certificate of appealability on Claim 4. The Court will allow Petitioner to file a motion to reconsider within 28 days. If no such motion is filed, a new judgment will be entered. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs) (Entered: 02/01/2016)
02/01/2016	326	NOTICE of Appearance by Jonah Horwitz on behalf of Thomas Eugene Creech (Horwitz, Jonah)
02/01/2016	327	NOTICE of Appearance by Bruce D Livingston on behalf of Thomas Eugene Creech (Livingston, Bruce)
02/12/2016	328	MOTION for Extension of Time to File <i>Motion for Reconsideration of Order on Remand</i> Deborah Anne Czuba appearing for Petitioner Thomas Eugene Creech. Responses due by 3/7/2016 (Attachments: # 1 Declaration of Denise Young, # 2 Declaration of Deborah A. Czuba, # 3 Declaration of Bruce D. Livingston, # 4 Declaration of Jonah J. Horwitz)(Czuba, Deborah)
02/12/2016	329	MOTION to Withdraw as Attorney. <i>Co-Counsel Denise Young</i> Request to Leave Noticing ON for this case by Attorney Deborah Anne Czuba appearing for Petitioner Thomas Eugene Creech. Responses due by 3/7/2016 (Czuba, Deborah)
02/18/2016	330	RESPONSE to Motion re 328 MOTION for Extension of Time to File <i>Motion for Reconsideration of Order on Remand</i> filed by Al Ramirez. Replies due by 3/7/2016. (Anderson, L)
02/19/2016	331	REPLY to Response to Motion re 328 MOTION for Extension of Time to File <i>Motion for Reconsideration of Order on Remand</i> filed by Thomas Eugene Creech.(Czuba, Deborah)

02/24/2016	332	ORDER granting 328 MOTION for Extension of Time to File <i>Motion for Reconsideration of Order on Remand</i> . Any motion for reconsideration shall be filed no later than 4/11/2016 (Case Management deadline set for 4/11/2016). No further extensions of time will be granted in this case. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
02/24/2016		Attorney Oliver W. Loewy is no longer with the Federal Defender Services of Idaho and should be removed from electronic notice. Pursuant to current counsel Jonah Horwitz Mr. Loewy did not act as counsel in this matter. the Clerk's Office will terminate him as an active attorney and turn off electronic notice. (cjs)
03/09/2016	333	RESPONSE to Motion re 329 MOTION to Withdraw as Attorney. <i>Co-Counsel Denise Young</i> Request to Leave Noticing ON for this case by Attorney filed by Al Ramirez. Replies due by 3/28/2016.(Anderson, L)
04/11/2016	334	MOTION for Leave to File Excess Pages Deborah Anne Czuba appearing for Petitioner Thomas Eugene Creech. Responses due by 5/5/2016 (Attachments: # 1 Declaration of Jonah J. Horwitz In Support of Motion to File Memorandum In Excess of Thirty Pages)(Czuba, Deborah)
04/11/2016	335	MOTION to Seal Document (<i>Attachments to Memorandum In Support of Motion for Reconsideration of Order on Remand</i>) Deborah Anne Czuba appearing for Petitioner Thomas Eugene Creech. Responses due by 5/5/2016 (Czuba, Deborah)
04/11/2016	336	MOTION for Reconsideration re 325 Memorandum Decision,,, <i>Motion for Reconsideration of Order on Remand</i> Deborah Anne Czuba appearing for Petitioner Thomas Eugene Creech. Responses due by 5/5/2016 (Attachments: # 1 Memorandum in Support Memorandum In Support of Motion for Reconsideration of Order on Remand, # 2 Attachment 1, # 3 Attachment 2, # 4 Attachment 3, # 5 Attachment 4, # 6 Attachment 5, # 7 Attachment 6, # 8 Attachment 19, # 9 Attachment 20, # 10 Attachment 23, # 11 Attachment 24, # 12 Attachment 25, # 13 Attachment 26, # 14 Attachment 28, # 15 Attachment 40, # 16 Attachment 41, # 17 Attachment 42, # 18 Attachment 43, # 19 Attachment 44, # 20 Attachment 46, # 21 Attachment 47, # 22 Attachment 48, # 23 Attachment 49, # 24 Attachment 52, # 25 Attachment 55, # 26 Attachment 56)(Czuba, Deborah)
04/11/2016	337	Sealed Document Re: 335 MOTION to Seal Document (<i>Attachments to Memorandum In Support of Motion for Reconsideration of Order on Remand</i>), 336 MOTION for Reconsideration re 325 Memorandum Decision,,, <i>Motion for Reconsideration of Order on Remand</i> . (Attachments: # 1 Attachment 8, # 2 Attachment 9, # 3 Attachment 10, # 4 Attachment 11, # 5 Attachment 12, # 6 Attachment 13, # 7 Attachment 14, # 8 Attachment 15, # 9 Attachment 16, # 10 Attachment 17, # 11 Attachment 18, # 12 Attachment 21, # 13 Attachment 22, # 14 Attachment 27, # 15 Attachment 29, # 16 Attachment 30, # 17 Attachment 31, # 18 Attachment 32, # 19 Attachment 33, # 20 Attachment 34, # 21 Attachment 35, # 22 Attachment 36, # 23 Attachment 37, # 24 Attachment 38, # 25 Attachment 39, # 26 Attachment 45, # 27 Attachment 50, # 28 Attachment 51, # 29 Attachment 53, # 30 Attachment 54, # 31 Attachment 57, # 32 Attachment 58, # 33 Attachment 59)(Czuba, Deborah) Modified on 4/12/2016 to refer to Dkt. 336 Attachment #1 for Certificate of Service (cjs). Modified on 6/2/2016 to reflect entry to remain under Seal pursuant to Order Dkt. 345 (cjs).

05/02/2016	338	RESPONSE to Motion re 334 MOTION for Leave to File Excess Pages filed by Al Ramirez. Replies due by 5/19/2016.(Anderson, L)
05/02/2016	339	SEALED RESPONSE to Motion re 335 MOTION to Seal Document (<i>Attachments to Memorandum In Support of Motion for Reconsideration of Order on Remand</i>) filed by Al Ramirez. Replies due by 5/19/2016.(Anderson, L)
05/04/2016	340	REPLY to Response to Motion re 334 MOTION for Leave to File Excess Pages <i>Reply In Support of Motion to File Memorandum In Excess of Thirty Pages</i> filed by Thomas Eugene Creech.(Czuba, Deborah)
05/05/2016	341	MOTION for Extension of Time to File Response/Reply to Motion for <i>Reconsideration of Order on Remand</i> Jessica M Lorello appearing for Respondent Al Ramirez. Responses due by 5/31/2016 (Attachments: # 1 Affidavit)(Lorello, Jessica)
05/05/2016	342	NOTICE by Thomas Eugene Creech re 341 MOTION for Extension of Time to File Response/Reply to Motion for <i>Reconsideration of Order on Remand - Notice of Non-Objection to Respondent's Motion for Extension of Time</i> (Czuba, Deborah)
05/05/2016		CORRECTIVE ENTRY - The entry docket number 342 Notice (Other), filed by Thomas Eugene Creech was filed incorrectly in this case as the wrong event was used. The filing party shall re-submit their filing using the correct event of "Response to Motion" located under Responses and Replies as this event correctly links to the motion and terms the response deadline. (cjs)
05/05/2016	343	RESPONSE to Motion re 341 MOTION for Extension of Time to File Response/Reply to Motion for <i>Reconsideration of Order on Remand Notice of Non-Objection to Respondent's Motion for Extension of Time</i> filed by Thomas Eugene Creech. Replies due by 5/23/2016.(Czuba, Deborah)
05/18/2016	344	ORDER - IT IS ORDERED: 1. Denise Youngs Motion to Withdraw as Co-Counsel (Dkt. 329) is GRANTED. Petitioners three attorneys with the Capital Habeas Unit of the Federal Defender Services of Idaho shall continue to represent Petitioner. 2. The Clerk of Court shall mail a copy of this Order to Denise Young at the postal address on file with the Court. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
05/18/2016		CERTIFICATE OF SERVICE by Clerk of Court of mailing 344 Order to Denise I. Young, Attorney at Law, 2930 N Santa Rosa Place, Tucson, AZ 85712. (cjs)
06/02/2016	345	ORDER granting 334 Motion for Leave to File Excess Pages; granting 335 Motion to Seal Document; granting 341 Motion for Extension of Time to File Response/Reply re 336 MOTION for Reconsideration re 325 Memorandum Decision (Responses due by 6/24/2016, Replies due by 7/11/2016). Attachments 7-18, 21-22, 27, 29-39, 45, 50-51, 53-54, and 57-59 to Petitioners Memorandum in Support of Motion for <i>Reconsideration of Order on Remand</i> (Dkt. 337) shall remain sealed. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
06/24/2016	346	MOTION for Extension of Time to File Response/Reply as to 336 MOTION for <i>Reconsideration re 325 Memorandum Decision,, Motion for Reconsideration of Order on Remand</i> L LaMont Anderson appearing for Respondent Al Ramirez. Responses due by 7/18/2016 (Attachments: # 1 Affidavit)(Anderson, L)

06/24/2016	347	RESPONSE to Motion re 346 MOTION for Extension of Time to File Response/Reply as to 336 MOTION for Reconsideration re 325 Memorandum Decision,,, <i>Motion for Reconsideration of Order on Remand Notice of Non-Objection</i> filed by Thomas Eugene Creech. Replies due by 7/11/2016.(Horwitz, Jonah)
07/13/2016	348	MOTION for Extension of Time to File Response/Reply as to 336 MOTION for Reconsideration re 325 Memorandum Decision and Order on Remand L LaMont Anderson appearing for Respondent Al Ramirez. Responses due by 8/8/2016. (Attachments: # 1 Affidavit)(Anderson, L) Modified on 7/14/2016 to edit text for linked Docket (cjs).
07/13/2016	349	NOTICE by Thomas Eugene Creech re 348 MOTION for Extension of Time to File Response/Reply as to 336 MOTION for Reconsideration re 325 Memorandum Decision and Order on Remand, <i>Notice of Non-Objection to Respondent's Motion for Extension of Time</i> (Czuba, Deborah) Modified on 7/14/2016 to edit text for linked docket (cjs).
07/18/2016	350	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech. This appeal remains stayed. Within 14 days after the district court enters its final order on limited remand, the parties shall file simultaneous status reports in this Court or move, consistently with the rules, for other appropriate relief. (cjs)
07/29/2016	351	MOTION for Extension of Time to File Response/Reply as to 336 MOTION for Reconsideration re 325 Memorandum Decision,,, <i>Motion for Reconsideration of Order on Remand</i> L LaMont Anderson appearing for Respondent Al Ramirez. Responses due by 8/22/2016 (Attachments: # 1 Affidavit)(Anderson, L)
07/29/2016	352	NOTICE by Thomas Eugene Creech re 351 MOTION for Extension of Time to File Response/Reply as to 336 MOTION for Reconsideration re 325 Memorandum Decision,,, <i>Motion for Reconsideration of Order on Remand Notice of Non-Objection to Respondent's Motion for Extension of Time</i> (Czuba, Deborah)
07/29/2016		CORRECTIVE ENTRY - The entry docket number 352 Notice (Other), filed by Thomas Eugene Creech was filed incorrectly in this case as the wrong event was used. The filing party shall re-submit their filing using the correct event of "Response to Motion". located under Responses and Replies as using this event correctly links to the motion and terms the response deadline.(cjs)
07/29/2016	353	RESPONSE to Motion re 351 MOTION for Extension of Time to File Response/Reply as to 336 MOTION for Reconsideration re 325 Memorandum Decision,,, <i>Motion for Reconsideration of Order on Remand</i> , 336 MOTION for Reconsideration re 325 Memorandum Decision,,, <i>Motion for Reconsideration of Order on Remand Notice of Non-Objection to Respondent's Motion for Extension of Time</i> filed by Thomas Eugene Creech. Replies due by 8/15/2016.(Czuba, Deborah)
08/05/2016	354	MOTION for Leave to File Excess Pages L LaMont Anderson appearing for Respondent Al Ramirez. Responses due by 8/29/2016 (Anderson, L)
08/05/2016	355	RESPONSE to Motion re 336 MOTION for Reconsideration re 325 Memorandum Decision,,, <i>Motion for Reconsideration of Order on Remand</i> filed by Al Ramirez. Replies due by 8/22/2016.(Anderson, L)
08/08/2016	356	RESPONSE to Motion re 354 MOTION for Leave to File Excess Pages <i>Notice of Non-Objection to Respondent's Motion to File Oversize Brief</i> filed by Thomas Eugene Creech. Replies due by 8/25/2016.(Horwitz, Jonah)

08/08/2016	357	MOTION to Set Deadline for Reply in Support of Reconsideration Jonah Horwitz appearing for Petitioner Thomas Eugene Creech. Responses due by 9/1/2016 (Attachments: # 1 Declaration of Jonah J. Horwitz)(Horwitz, Jonah)
08/09/2016	358	RESPONSE to Motion re 357 MOTION to Set Deadline for Reply in Support of Reconsideration filed by Al Ramirez. Replies due by 8/26/2016.(Anderson, L)
08/11/2016	359	REPLY to Response to Motion re 357 MOTION Motion to Set Deadline for Reply in Support of Reconsideration <i>Reply In Support of Motion to Set Deadline</i> filed by Thomas Eugene Creech. (Attachments: # 1 Attachment 1, # 2 Attachment 2, # 3 Attachment 3)(Czuba, Deborah)
08/11/2016	360	ORDER - IT IS HEREBY ORDERED: 1. Respondents Motions for Extension of Time (Dkt. 346 , 348 , and 351) are GRANTED. 2. Respondents Motion to File Oversize Brief (Dkt. 354) is GRANTED. 3. Petitioners Motion to Set Deadline for Reply in Support of Reconsideration (Dkt. 357) is GRANTED. Petitioners reply shall be filed no later than 10/4/2016. The Court will not consider further requests for extensions of time. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
10/04/2016	361	MOTION for Leave to File Excess Pages <i>Motion to File Memorandum in Excess of Fifteen Pages</i> Jonah Horwitz appearing for Petitioner Thomas Eugene Creech. Responses due by 10/28/2016 (Attachments: # 1 Declaration of Jonah J. Horwitz in Support of Motion to File Memorandum in Excess of Fifteen Pages)(Horwitz, Jonah)
10/04/2016	362	REPLY to Response to Motion re 336 MOTION for Reconsideration re 325 Memorandum Decision,,, <i>Motion for Reconsideration of Order on Remand Reply in Support of Motion for Reconsideration of Order on Remand</i> filed by Thomas Eugene Creech. (Attachments: # 1 Attachment 1, # 2 Attachment 2, # 3 Attachment 3, # 4 Attachment 4 - Part 1, # 5 Attachment 4 - Part 2, # 6 Attachment 5, # 7 Attachment 6, # 8 Attachment 7, # 9 Attachment 8, # 10 Attachment 9, # 11 Attachment 10, # 12 Attachment 11, # 13 Attachment 12, # 14 Attachment 13, # 15 Attachment 14 - Part 1, # 16 Attachment 14 - Part 2, # 17 Attachment 14 - Part 3, # 18 Attachment 14 - Part 4, # 19 Attachment 15 - Part 1, # 20 Attachment 15 - Part 2, # 21 Attachment 15 - Part 3, # 22 Attachment 16 - Part 1, # 23 Attachment 16 - Part 2, # 24 Attachment 16 - Part 3, # 25 Attachment 16 - Part 4, # 26 Attachment 16 - Part 5, # 27 Attachment 17, # 28 Attachment 18, # 29 Attachment 19, # 30 Attachment 20)(Horwitz, Jonah)
10/27/2016	363	RESPONSE to Motion re 361 MOTION for Leave to File Excess Pages <i>Motion to File Memorandum in Excess of Fifteen Pages</i> filed by Al Ramirez. Replies due by 11/14/2016.(Anderson, L)
11/01/2016	364	REPLY to Response to Motion re 361 MOTION for Leave to File Excess Pages <i>Motion to File Memorandum in Excess of Fifteen Pages Reply In Support of Motion for Excess Pages</i> filed by Thomas Eugene Creech.(Horwitz, Jonah)
03/24/2017	365	MEMORANDUM DECISION AND ORDER - IT IS ORDERED: 1. Petitioners Motion for Leave to File Memorandum in Excess of Fifteen Pages (Dkt. 361) is GRANTED. 2. Petitioners Motion for Reconsideration (Dkt. 336) is DENIED. 3. The Court does not find its resolution of Petitioners Motion for Reconsideration to be reasonably debatablethat is, reasonable jurists would agree that Petitioner has not established extraordinary circumstances that would warrant reconsideration. Therefore, an additional certificate of appealability will not issue with respect to the Courts denial of the Motion. Signed by Judge B. Lynn Winmill. (caused to be mailed

		to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
03/24/2017	366	JUDGMENT ON REMAND - IT IS ORDERED, ADJUDGED, and DECREED that the Petition for Writ of Habeas Corpus is DENIED IN PART and DISMISSED IN PART, with prejudice, and that judgment is entered in favor of Respondent. In addition, this case is hereby ordered closed. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
03/24/2017	367	DISREGARD - LITIGATION ORDER AND NOTICE OF TELEPHONIC SCHEDULING CONFERENCE - Case Management deadline set for 4/19/2017. Telephonic Scheduling Conference set for 4/26/2017 10:00 AM in Boise Chambers before Judge B. Lynn Winmill. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs) Modified on 3/24/2017 to disregard pursuant to Corrective Entry (cjs).
03/24/2017		CORRECTIVE ENTRY - The entry docket number 367 Litigation Order, was filed incorrectly in this case as it was entered in the wrong case due to Clerk error. Disregard the entry. The filing party shall re-submit their correct filing.(cjs)
04/05/2017	368	AMENDED NOTICE OF APPEAL as to 366 Judgment, 325 Memorandum Decision,,, 365 Order on Motion for Reconsideration, Order on Motion for Leave to File Excess Pages,,, by Thomas Eugene Creech. (Notice sent to Court Reporter & 9th Cir) (Horwitz, Jonah)
07/11/2017	369	ORDER of USCA (10-99015) as to 368 Notice of Appeal, filed by Thomas Eugene Creech. (st) (Entered: 07/13/2017)
08/25/2017	370	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, 368 Notice of Appeal, filed by Thomas Eugene Creech. Petitioners request for an extension of time to file a replacement opening brief is GRANTED. (cjs) (Entered: 08/28/2017)
10/26/2017	371	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, 368 Notice of Appeal, filed by Thomas Eugene Creech - briefing reset. (cjs) (Entered: 10/27/2017)
12/20/2017	372	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, 368 Notice of Appeal, filed by Thomas Eugene Creech - granting motion for extension of time and resetting briefing deadlines. (cjs)
02/07/2018	373	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, 368 Notice of Appeal, filed by Thomas Eugene Creech - briefing reset for replacement opening brief. (cjs) (Entered: 02/08/2018)
03/16/2018	374	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, 368 Notice of Appeal, filed by Thomas Eugene Creech. Appellants motions for judicial notice to file an oversized brief, to file a portion of the opening brief under seal, and to file supplemental excerpts of record volume VI under seal are GRANTED. Appellants motion to remand the case to district court is DENIED as premature. (cjs) (Entered: 03/19/2018)
06/05/2018	375	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech. The replacement answering brief shall be filed no later than 8/10/2018. The replacement reply brief, if any, shall be filed within 21 days after the filing of the answering brief.

		(cjs) (Entered: 06/06/2018)
08/06/2018	376	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, 368 Notice of Appeal, filed by Thomas Eugene Creech. The replacement answering brief shall be filed no later than 10/9/2018. The replacement reply brief, if any, shall be filed no later than 10/30/2018. (cjs) (Entered: 08/07/2018)
10/04/2018	377	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, 368 Notice of Appeal, filed by Thomas Eugene Creech. Motion for extension of time granted and briefing reset. (cjs) (Entered: 10/09/2018)
12/04/2018	378	ORDER of USCA as to 284 Notice of Appeal filed by Thomas Eugene Creech, 368 Notice of Appeal, filed by Thomas Eugene Creech. Briefing reset. (cjs) (Entered: 12/12/2018)
07/30/2019	379	Transmitted Record on Appeal to US Court of Appeals re 368 Notice of Appeal, 10-99015.(jd)
09/19/2019	380	ORDER of USCA (10-99015) as to 284 Notice of Appeal filed by Thomas Eugene Creech, 368 Notice of Appeal, filed by Thomas Eugene Creech. (jd)
11/05/2019	381	ORDER of USCA (10-99015) as to 368 Notice of Appeal, filed by Thomas Eugene Creech. (jd)
01/14/2020	382	ORDER of USCA 10-99015 as to 368 Notice of Appeal, filed by Thomas Eugene Creech. (jd) (Entered: 01/15/2020)
03/02/2020	383	ORDER of USCA 10-99015 as to 368 Notice of Appeal, filed by Thomas Eugene Creech. (jd)
03/25/2020	384	ORDER of USCA (10-99015) as to 368 Notice of Appeal, filed by Thomas Eugene Creech (kt) (Entered: 03/26/2020)
04/27/2020	385	ORDER of USCA 10-99015 as to 368 Notice of Appeal, filed by Thomas Eugene Creech - The supplemental reply brief is now due June 5, 2020. (jd) (Entered: 04/29/2020)
05/27/2020	386	ORDER of USCA 10-99015 as to 368 Notice of Appeal, filed by Thomas Eugene Creech. (jd) (Entered: 06/02/2020)
07/08/2020	387	ORDER of USCA 10-99015 as to 368 Notice of Appeal, filed by Thomas Eugene Creech. (jd) (Entered: 07/09/2020)
07/16/2020	388	ORDER of USCA 10-99015 as to 368 Notice of Appeal, filed by Thomas Eugene Creech. (jd) (Entered: 07/17/2020)
07/20/2022	389	OPINION of USCA 10-99015 as to 284 Notice of Appeal filed by Thomas Eugene Creech and 368 Notice of Appeal, filed by Thomas Eugene Creech. AFFIRMED. (Attachments: # 1 Instructions)(jd)
10/07/2022	390	ORDER of USCA as to 368 Notice of Appeal, filed by Thomas Eugene Creech 10-99015 (alw)
02/06/2023	391	ORDER AND AMENDED OPINION of USCA (USCA No. 10-99015) - AFFIRMED. (ac)
04/25/2023	392	NOTICE of U.S.Supreme Court Case Number/Application Number,22A917 re: USCA Case No. 10-99015 (ac) (Entered: 04/27/2023)

07/06/2023	393	NOTICE of U.S.Supreme Court Case Number: 23-5039 re: USCA Case No. 10-99015 re. dkt. 392 . "The petition for a writ of certiorari in the above entitled case was filed on June 30, 2023 and placed on the docket July 5, 2023 as No. 23-5039." (ac) (Entered: 07/12/2023)
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Billable Pages:	26	Cost:	2.60
Exempt flag:	Exempt	Exempt reason:	Always

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General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 10-99015**Docketed:** 07/13/2010**Nature of Suit:** 3535 Habeas Corpus: Death Penalty**Termed:** 07/20/2022

Thomas Creech v. Tim Richardson

Appeal From: U.S. District Court for Idaho, Boise**Fee Status:** Not Applicable**Case Type Information:**

- 1) prisoner-death penalty
- 2) state
- 3) death penalty habeas corpus

Originating Court Information:**District:** 0976-1 : [1:99-cv-00224-BLW](#)**Court Reporter:** Tamara Idylene Hohenleitner, Court Reporter**Trial Judge:** B. Lynn Winmill, Chief District Judge**Date Filed:** 06/10/1999**Date Order/Judgment:**

06/09/2010

Date Order/Judgment EOD:

06/10/2010

Date NOA Filed:

07/09/2010

Date Rec'd COA:

07/09/2010

Prior Cases:[94-35196](#)**Date Filed:** 03/01/1994**Date Disposed:** 02/23/1995**Disposition:** Affirmed - Memorandum**Current Cases:**

None

THOMAS E. CREECH
 Petitioner - Appellant,

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v.

JOHN HARDISON

Terminated: 12/04/2018

Respondent - Appellee,

AL RAMIREZ, Warden

Terminated: 03/21/2019

Respondent - Appellee,

KEITH YORDY, Warden

Terminated: 07/16/2020

Respondent - Appellee,

TYRELL DAVIS, Warden

Terminated: 07/20/2022

Respondent - Appellee,

TIM RICHARDSON, Warden

Respondent - Appellee,

L. LaMont Anderson

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THOMAS E. CREECH,

Petitioner - Appellant,

v.

TIM RICHARDSON, Warden,

Respondent - Appellee.

07/13/2010	☐ 1 3 pg, 26.13 KB	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. The schedule is set as follows: Appellant Thomas E. Creech opening brief due 10/11/2010. Appellee John Hardison answering brief due 12/10/2010. Appellant's optional reply brief is due 21 days after service of the answering brief. [7403405] (PA) [Entered: 07/13/2010 02:46 PM]
09/15/2010	☐ 2 62 pg, 146.68 KB	Filed (ECF) Appellant Thomas E. Creech Motion to remand case. Date of service: 09/15/2010. [7475558] (Hampton, Teresa) [Entered: 09/15/2010 02:59 PM]
09/22/2010	☐ 3 11 pg, 27.04 KB	Filed (ECF) Appellee John Hardison response opposing motion (,motion to remand case). Date of service: 09/22/2010. [7483651] (Anderson, L.) [Entered: 09/22/2010 02:30 PM]
10/05/2010	☐ 4 3 pg, 9.65 KB	Filed (ECF) Appellant Thomas E. Creech Motion for miscellaneous relief [Motion to File Late Reply to Response to Motion]. Date of service: 10/05/2010. [7497879] (Hampton, Teresa) [Entered: 10/05/2010 03:04 PM]
10/05/2010	☐ 5 4 pg, 12.32 KB	Filed (ECF) Appellant Thomas E. Creech reply to response (). Date of service: 10/05/2010. [7497884] (Hampton, Teresa) [Entered: 10/05/2010 03:06 PM]
10/08/2010	☐ 6 3 pg, 10.03 KB	Filed (ECF) Appellant Thomas E. Creech Motion to extend time to file Opening brief until 01/10/2011. Date of service: 10/08/2010. [7502130] (Hampton, Teresa) [Entered: 10/08/2010 10:48 AM]
10/13/2010	☐ 7 1 pg, 22.17 KB	Filed order (Appellate Commissioner) Appellant's opposed Motion To Remand Case To District Court is denied without prejudice to renewal in the opening brief. Appellant's motion to file a late reply to the response to the motion for remand is granted. The Clerk's Office shall file the reply submitted October 5, 2010. Appellant's unopposed motion to extend the time to file the opening brief is granted as follows. The opening brief is due January 11, 2011. The answering brief is due March 15, 2011. The reply brief is due within 21 days after service of the answering brief. [7507379] (PA) [Entered: 10/13/2010 04:12 PM]
01/06/2011	☐ 8 4 pg, 10.92 KB	Filed (ECF) Appellant Thomas E. Creech Motion to extend time to file Opening brief until 01/25/2011. Date of service: 01/06/2011. [7602525] (Hampton, Teresa) [Entered: 01/06/2011 01:29 PM]
01/07/2011	☐ 9 1 pg, 22.28 KB	Filed clerk order (Deputy Clerk:ME): Appellant's opposed motion for a 14-day extension of time, his second motion to extend the time to file the opening brief, is granted. The opening brief is due January 25, 2011. The answering brief is due March 29, 2011. The reply brief is due within 21 days after service of the answering brief. [7604646] (HH) [Entered: 01/07/2011 03:39 PM]
01/25/2011	☐ 10	STRICKEN PER ORDER [99] . Submitted (ECF) Opening brief for review. Submitted by Appellant Thomas E. Creech. Date of service: 01/25/2011. [7624654] (Hampton, Teresa) [Entered: 01/25/2011 07:44 PM]
01/26/2011	☐ 11 1 pg, 80.36 KB	Filed clerk order: The opening brief [10] submitted by Thomas E. Creech is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, with a blue cover, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. [7625866] (PA) [Entered: 01/26/2011 02:41 PM]
01/26/2011	☐ 12 699 pg, 39.2 MB	Filed Appellant Thomas E. Creech excerpts of record in 3 volumes. Served on 01/25/2011. [7625943] (PA) [Entered: 01/26/2011 03:08 PM]
01/31/2011	☐ 13	Received 7 paper copies of Opening brief [10] filed by Thomas E. Creech. [7632640] (PA) [Entered: 02/01/2011 03:32 PM]
03/18/2011	☐ 14 8 pg, 126.7 KB	Filed (ECF) Appellee John Hardison Motion to extend time to file Answering brief until 04/28/2011 at 11:59 pm. Date of service: 03/18/2011. [7686354] (Anderson, L.) [Entered: 03/18/2011 09:58 AM]
03/21/2011	☐ 15 1 pg, 22.11 KB	Filed order MOATT: (PA)Appellee's unopposed motion to extend the time to April 28, 2011 to file the answering brief is granted. The reply brief is due within 21 days after service of the answering brief. [7689351] (PA) [Entered: 03/21/2011 05:09 PM]
04/19/2011	☐ 16 8 pg, 98.35 KB	Filed (ECF) Appellee John Hardison Motion to extend time to file Answering brief until 05/31/2011 at 11:59 pm. Date of service: 04/19/2011. [7721263] (Anderson, L.) [Entered: 04/19/2011 09:17 AM]
04/20/2011	☐ 17 1 pg, 22.1 KB	Filed order MOATT: (ME)Appellee's unopposed motion for a second extension of time to file the answering brief is granted. The answering brief is due May 31, 2011. The reply brief is due within 21 days after service of the answering brief. [7724498] (PA) [Entered: 04/20/2011 04:24 PM]
05/24/2011	☐ 18 8 pg, 98.88 KB	Filed (ECF) Appellee John Hardison Motion to extend time to file Answering brief until 06/30/2011 at 11:59 pm. Date of service: 05/24/2011. [7761983] (Anderson, L.) [Entered: 05/24/2011 08:23 AM]
05/27/2011	☐ 19 1 pg, 22.19 KB	Filed order MOATT: (ME) Appellee's unopposed motion for a third extension of time to file the answering brief is granted. The answering brief is due June 30, 2011. The reply brief is due within 21 days after service of the answering brief. [7766746] (PA) [Entered: 05/27/2011 10:00 AM]
06/24/2011	☐ 20 4 pg, 82.48 KB	Filed (ECF) Appellee John Hardison Motion to file oversized brief. Date of service: 06/24/2011. [7797556] --[COURT UPDATE: Brief stricken per order [99] . 7/11/2017 by TYL] (Anderson, L.) [Entered: 06/24/2011 04:39 PM]

06/27/2011	☐ 21 1070 pg, 22.15 MB	Filed Appellee John Hardison excerpts of record (PARTIAL UNDER SEAL) in 7 volumes [Vols. 6 & 7 FILED UNDER SEAL]. Served on 06/24/2011. [7799066] (PA) [Entered: 06/27/2011 03:29 PM]
06/28/2011	☐ 22 1 pg, 22.62 KB	Filed order MOATT: (ME) Appellee's unopposed motion for leave to file an oversized answering brief of 22,297 words is granted. The Clerk's Office shall file the answering brief submitted June 24, 2011. The reply brief is due July 19, 2011. [7800095] (PA) [Entered: 06/28/2011 10:56 AM]
06/28/2011	☐ 23 1 pg, 80.63 KB	Filed clerk order: The answering brief [20] submitted by John Hardison is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, with a red cover, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. [7800102] (PA) [Entered: 06/28/2011 10:58 AM]
07/06/2011	☐ 24	Received 7 paper copies of Answering brief [20] filed by John Hardison. [7810013] (PA) [Entered: 07/06/2011 04:07 PM]
07/12/2011	☐ 25 7 pg, 20.91 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Reply brief until 08/30/2011. Date of service: 07/12/2011. [7816962] (Hampton, Teresa) [Entered: 07/12/2011 01:49 PM]
07/13/2011	☐ 26 1 pg, 22.34 KB	Filed order MOATT: (ME) Appellant's unopposed motion to extend the time to August 30, 2011 to file reply brief is granted. [7818393] (PA) [Entered: 07/13/2011 01:00 PM]
08/23/2011	☐ 27 7 pg, 20.86 KB	Filed (ECF) Appellant Thomas E. Creech Motion to extend time to file Reply brief until 09/27/2011. Date of service: 08/23/2011. [7868071] (Hampton, Teresa) [Entered: 08/23/2011 03:25 PM]
08/26/2011	☐ 28 1 pg, 41.35 KB	Filed (ECF) Appellant Thomas E. Creech Correspondence: Correspondence regarding opposing counsel's position on Motion for Extension of Time to File Reply Brief. Date of service: 08/26/2011 [7873013] (Hampton, Teresa) [Entered: 08/26/2011 02:41 PM]
08/29/2011	☐ 29 1 pg, 22.26 KB	Filed order MOATT: (ME)Appellant's unopposed motion for a second extension of time to file the reply brief is granted. The reply brief is due September 27, 2011. [7875049] (PA) [Entered: 08/29/2011 03:08 PM]
09/21/2011	☐ 30 7 pg, 21.68 KB	Filed (ECF) Appellant Thomas E. Creech Motion to extend time to file Reply brief until 10/27/2011. Date of service: 09/21/2011. [7902195] (Hampton, Teresa) [Entered: 09/21/2011 04:03 PM]
09/23/2011	☐ 31 1 pg, 21.33 KB	Filed order (Appellate Commissioner) Appellant's motion, opposed in part, for a third extension of time to file the reply brief is granted. The reply brief is due October 27, 2011. Any motion for a further extension of time is disfavored. [7904479] (PA) [Entered: 09/23/2011 11:41 AM]
10/27/2011	☐ 32 16 pg, 807.64 KB	Filed (ECF) Appellant Thomas E. Creech Motion to take judicial notice of documents. Date of service: 10/27/2011. [7945571] (Hampton, Teresa) [Entered: 10/27/2011 03:19 PM]
10/27/2011	☐ 33 3 pg, 9.58 KB	Filed (ECF) Appellant Thomas E. Creech Motion to file oversized brief. Date of service: 10/27/2011. [7945746] (Hampton, Teresa) [Entered: 10/27/2011 04:12 PM]
10/27/2011	☐ 34	STRICKEN PER ORDER [99] . Submitted (ECF) Reply brief for review. Submitted by Appellant Thomas E. Creech. Date of service: 10/27/2011. [7945763] (Hampton, Teresa) [Entered: 10/27/2011 04:18 PM]
10/28/2011	☐ 35 1 pg, 22.27 KB	Filed order MOATT: (ME) Appellant's motion for leave to file an oversized reply brief of 10,505 words is granted. The Clerk shall file the reply brief submitted October 27, 2011. [7947370] (PA) [Entered: 10/28/2011 05:00 PM]
10/28/2011	☐ 36 1 pg, 80.65 KB	Filed clerk order: The reply brief [34] submitted by Thomas E. Creech is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, with a gray cover, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. [7947373] (PA) [Entered: 10/28/2011 05:02 PM]
10/31/2011	☐ 38 40 pg, 2.1 MB	Filed Appellant Thomas E. Creech supplemental excerpts of record on appeal in 1 volumes. [7951343] (PA) [Entered: 11/02/2011 11:41 AM]
11/01/2011	☐ 37 9 pg, 26.09 KB	Filed (ECF) Appellee John Hardison response opposing motion (,motion to take judicial notice). Date of service: 11/01/2011. [7949213] (Anderson, L.) [Entered: 11/01/2011 09:09 AM]
11/02/2011	☐ 39	Received paper copies of Reply brief [34] filed by Thomas E. Creech. [7952020] (PA) [Entered: 11/02/2011 03:32 PM]
11/13/2011	☐ 40 6 pg, 17.33 KB	Filed (ECF) Appellant Thomas E. Creech reply to response (). Date of service: 11/13/2011. [7963070] (Hampton, Teresa) [Entered: 11/13/2011 02:35 PM]
12/02/2011	☐ 41	FILED (ORIGINAL) CERTIFIED RECORD ON APPEAL: 1 box of state court records. [7986369] (SD) [Entered: 12/02/2011 12:03 PM]
01/04/2012	☐ 42 1 pg, 23.38 KB	Filed clerk order (Deputy Clerk: PA): Oral argument will be held on Thursday, March 8, 2012, at 9:00 a.m., in the 2nd Floor Courtroom of the Pioneer Courthouse, 700 SW Sixth Avenue, Portland, Oregon. Each side will be allotted thirty (30) minutes to present its arguments. [8018925]--[Edited 01/04/2012 by PA] [8018925] (PA) [Entered: 01/04/2012 12:04 PM]

01/05/2012	☐ 43 7 pg, 362.07 KB	Notice of Oral Argument on MARCH 8, 2012, Calendar. Please return ACKNOWLEDGMENT OF HEARING NOTICE form to: PORTLAND Office. Please open attached documents to view details about your case. [8020420] (ME) [Entered: 01/05/2012 10:10 AM]
01/10/2012	☐ 44 1 pg, 38.61 KB	Filed (ECF) Acknowledgment of hearing notice. Location: Portland. Filed by Attorney Teresa A. Hampton for Appellant Thomas E. Creech. [8025636] (Hampton, Teresa) [Entered: 01/10/2012 11:02 AM]
01/19/2012	☐ 45 1 pg, 26.7 KB	Filed clerk order (Deputy Clerk: PA): By February 10, 2012, Appellee shall file a supplemental answering brief, not to exceed 5,600 words, addressing uncertified Claims G and H in the opening brief. See AOB at 67-78. Appellant's supplemental reply brief, not to exceed 5,600 words, is due February 20, 2012. The Court will decide whether to issue a certificate of appealability as to the uncertified issues after considering the additional briefing. Any motion to extend the time to file a supplemental brief is disfavored. f [8037177] (PA) [Entered: 01/19/2012 12:18 PM]
02/10/2012	☐ 46 7 pg, 116.09 KB	Filed (ECF) Appellee John Hardison Motion to extend time to file Supplemental brief until 02/15/2012 at 11:59 pm. Date of service: 02/10/2012. [8063913] (Anderson, L.) [Entered: 02/10/2012 08:18 AM]
02/10/2012	☐ 47 7 pg, 21.37 KB	Filed (ECF) Appellant Thomas E. Creech response opposing motion (,motion to extend time to file brief). Date of service: 02/10/2012. [8064096] (Hampton, Teresa) [Entered: 02/10/2012 09:43 AM]
02/10/2012	☐ 48 1 pg, 22.71 KB	Filed clerk order (Deputy Clerk: PA): Respondent-Appellee's motion for extension of time to file a supplemental answering brief addressing uncertified Claims G and H is hereby GRANTED. The State's supplemental brief is now due February 15, 2012. Petitioner-Appellant's supplemental reply brief is now due February 24, 2012. [8064994] (PA) [Entered: 02/10/2012 02:48 PM]
02/15/2012	☐ 49 32 pg, 65.87 KB	Submitted (ECF) Supplemental brief for review. Submitted by Appellee John Hardison. Date of service: 02/15/2012. [8070225] (Anderson, L.) [Entered: 02/15/2012 02:47 PM]
02/16/2012	☐ 50	Filed clerk order: The supplemental brief 49 submitted by John Hardison is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: tan. [8070825] (PA) [Entered: 02/16/2012 08:37 AM]
02/17/2012	☐ 51 147 pg, 3.36 MB	Filed Appellee John Hardison supplemental excerpts of record to Supplemental Answering Brief (1 Volume). [8078086] (PA) [Entered: 02/22/2012 04:36 PM]
02/23/2012	☐ 52	Received 7 paper copies of Supplemental brief 49 filed by John Hardison. [8079604] (PA) [Entered: 02/23/2012 03:11 PM]
02/24/2012	☐ 53 28 pg, 96.35 KB	Submitted (ECF) Supplemental brief for review. Submitted by Appellant Thomas E. Creech. Date of service: 02/24/2012. [8081326] (Hampton, Teresa) [Entered: 02/24/2012 05:39 PM]
02/24/2012	☐ 54 1 pg, 80.22 KB	Filed clerk order: The supplemental brief 53 submitted by Thomas E. Creech is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: tan. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF. [8081332] (PA) [Entered: 02/24/2012 06:51 PM]
02/29/2012	☐ 55	CJA travel authorization sent to Denise Irene Young for Thomas E. Creech. Authorization number 9CJA10-990150312. [8084743] (KB) [Entered: 02/29/2012 11:26 AM]
02/29/2012	☐ 56	Received paper copies of Supplemental brief 53 filed by Thomas E. Creech. [8085073] (PA) [Entered: 02/29/2012 02:14 PM]
03/05/2012	☐ 57 1 pg, 206.72 KB	Filed (ECF) Appellee John Hardison citation of supplemental authorities. Date of service: 03/05/2012. [8089464] (Anderson, L.) [Entered: 03/05/2012 09:31 AM]
03/06/2012	☐ 58 2 pg, 206.48 KB	Filed (ECF) Appellee John Hardison citation of supplemental authorities. Date of service: 03/06/2012. [8091570] (Anderson, L.) [Entered: 03/06/2012 10:03 AM]
03/08/2012	☐ 59	ARGUED AND SUBMITTED MAY 8, 2012, TO WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE. [8095404] (ME) [Entered: 03/08/2012 10:23 AM]
03/23/2012	☐ 60 2 pg, 44.07 KB	Filed (ECF) Appellant Thomas E. Creech citation of supplemental authorities. Date of service: 03/23/2012. [8115709] (Hampton, Teresa) [Entered: 03/23/2012 03:39 PM]
04/03/2012	☐ 61	GTA bill reconciled for Denise Irene Young for Thomas E. Creech. Paid/Canceled: Paid. Authorization Number: 9CJA10-990150312. [8126598] (AC) [Entered: 04/03/2012 05:26 PM]
04/05/2012	☐ 62 1 pg, 83.64 KB	Filed (ECF) Appellant Thomas E. Creech citation of supplemental authorities. Date of service: 04/05/2012. [8129007] (Hampton, Teresa) [Entered: 04/05/2012 01:06 PM]

04/10/2012	☐ 63	CJA 21 travel voucher processed for Denise Irene Young for Thomas E. Creech. CJA 21 Number: 032012. [8133807] (MV) [Entered: 04/10/2012 10:57 AM]
04/26/2012	☐ 64 9 pg, 33.38 KB	Filed (ECF) Appellant Thomas E. Creech Motion to remand case. Date of service: 04/26/2012. [8154639] (Hampton, Teresa) [Entered: 04/26/2012 12:16 PM]
04/26/2012	☐ 65 3 pg, 20.78 KB	Filed (ECF) Appellant Thomas E. Creech citation of supplemental authorities. Date of service: 04/26/2012. [8154892] (Hampton, Teresa) [Entered: 04/26/2012 01:54 PM]
05/10/2012	☐ 66 21 pg, 65 KB	Filed (ECF) Appellee John Hardison response opposing motion (,motion to remand case). Date of service: 05/10/2012. [8173588] (Anderson, L.) [Entered: 05/10/2012 02:22 PM]
05/17/2012	☐ 67 4 pg, 14.38 KB	Filed (ECF) Appellant Thomas E. Creech Motion to extend time to file a reply until 05/29/2012. Date of service: 05/17/2012. [8182602] (Hampton, Teresa) [Entered: 05/17/2012 03:25 PM]
05/17/2012	☐ 68 1 pg, 21.59 KB	Filed order (WILLIAM A. FLETCHER) Petitioner-Appellant's motion for an extension of time, up to and including May 28, 2012, within which to file a reply to Respondent-Appellee's response to his motion to remand is hereby GRANTED. [8182844] (HH) [Entered: 05/17/2012 04:59 PM]
05/29/2012	☐ 69 3 pg, 10.58 KB	Filed (ECF) Appellant Thomas E. Creech Motion for miscellaneous relief [Motion to File Oversize Reply in Support of Motion to Remand]. Date of service: 05/29/2012. [8194726] (Hampton, Teresa) [Entered: 05/29/2012 08:09 PM]
05/29/2012	☐ 70 27 pg, 63.5 KB	Filed (ECF) Appellant Thomas E. Creech reply to response (). Date of service: 05/29/2012. [8194728] (Hampton, Teresa) [Entered: 05/29/2012 08:11 PM]
05/31/2012	☐ 71 3 pg, 76.93 KB	Filed Appellant Thomas E. Creech motion to file SEAL attachments 1-4 to reply to response to motion to remand. Served on 05/30/2012. [8197220] (panel) (EL) [Entered: 05/31/2012 01:34 PM]
05/31/2012	☐ 72  37 pg, 2.13 MB	Filed UNDER SEAL Appellant Thomas E. Creech SEALED attachments 1-4 to reply to response to motion to remand Served on 05/30/2012. [8197232] (PANEL) (EL) [Entered: 05/31/2012 01:39 PM]
06/01/2012	☐ 73 1 pg, 21.01 KB	Filed order (WILLIAM A. FLETCHER): Petitioner-Appellant's motion to file an oversized reply to Respondent- Appellee's response to his motion to remand is hereby GRANTED. The reply, received May 29, 2012, is ordered FILED. [8199403] (AF) [Entered: 06/01/2012 03:07 PM]
06/15/2012	☐ 74 1 pg, 21.53 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE) Petitioner-Appellant's motion (dk. 71) to file under seal attachments 1-4 of his reply to Respondent-Appellee's response to his motion to remand is DENIED. [8215913] (HH) [Entered: 06/15/2012 10:55 AM]
06/20/2012	☐ 75 2 pg, 32.96 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE) Petitioner Thomas E. Creech's motion to remand is GRANTED. We vacate the district court's judgment and remand for the district court to reconsider Creech's ineffective assistance of counsel claims in light of Martinez v. Ryan, 132 S. Ct. 1309 (2011). The district court should determine whether Creech's state post-conviction counsel was ineffective and whether any of Creech's ineffective assistance of counsel claims previously found procedurally defaulted are substantial. If the court concludes the procedural default of any of Creech's claims can be excused under Martinez, the court should consider the interplay between Martinez and Cullen v. Pinholster, 131 S. Ct. 1388 (2011), in determining whether Creech should be afforded an evidentiary hearing on claims for which state post-conviction counsel failed to develop a factual record, and whether stay and abeyance is appropriate for any of Creech's ineffective assistance claims. See Gonzalez v. Wong, 667 F.3d 965, 979-80 (9th Cir. 2011). After completing proceedings on remand, the district court should enter a new judgment. The panel will defer a decision on the claims already argued in this appeal. VACATED and REMANDED. [8221300] [8221300] (HH) [Entered: 06/20/2012 11:28 AM]
07/05/2016	☐ 76	Terminated Teresa A. Hampton for Thomas E. Creech in 10-99015 (no longer with firm) [10039431] (RY) [Entered: 07/05/2016 05:31 PM]
07/06/2016	☐ 77 3 pg, 63.52 KB	Filed (ECF) Appellant Thomas E. Creech Correspondence: request to terminate counsel. Date of service: 07/06/2016. [10040139] [10-99015]--[COURT UPDATE: Updated docket text to reflect correct ECF filing type. 07/06/2016 by SLM] (Horwitz, Jonah) [Entered: 07/06/2016 11:13 AM]
07/06/2016	☐ 78	Terminated Oliver Winston Loewy for Thomas E. Creech in 10-99015 [10040295] (CW) [Entered: 07/06/2016 11:58 AM]
07/07/2016	☐ 79	COURT DELETED INCORRECT/DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: 80 . Original Text: Filed (ECF) notice of appearance of Bruce D. Livingston for Appellant Thomas E. Creech. Date of service: 07/07/2016. [10042135] [10-99015] (Livingston, Bruce) [Entered: 07/07/2016 11:44 AM]
07/12/2016	☐ 80 2 pg, 77 KB	Filed (ECF) notice of appearance of Bruce D. Livingston for Appellant Thomas E. Creech. Date of service: 07/12/2016. [10047222] [10-99015] (Livingston, Bruce) [Entered: 07/12/2016 11:39 AM]
07/12/2016	☐ 81	Added attorney Bruce D. Livingston for Thomas E. Creech, in case 10-99015. [10047249] (Turcios, Margoth) [Entered: 07/12/2016 11:45 AM]

07/12/2016	☐ 82 3 pg, 20.63 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to substitute counsel. Date of service: 07/12/2016. [10047319] [10-99015] (Livingston, Bruce) [Entered: 07/12/2016 12:05 PM]
07/18/2016	☐ 83 1 pg, 33.64 KB	Filed order (Appellate Commissioner): The Court grants Appellant's unopposed motion (Docket Entry No. 82) to permit Denise Irene Young, Esq., to withdraw as counsel and for the substitution of Assistant Federal Public Defender Bruce D. Livingston, Federal Defender Services of Idaho, 702 West Idaho Street Suite 900, Boise, Idaho 83702, 208-331- 5530, Bruce_Livingston@fd.org. The Clerk shall change the docket to so reflect and serve a copy of this order on the district court. This appeal remains stayed. Within 14 days after the district court enters its final order on limited remand, the parties shall file simultaneous status reports in this Court or move, consistently with the rules, for other appropriate relief. [10053045] (AF) [Entered: 07/18/2016 11:58 AM]
07/18/2016	☐ 84	Terminated Denise Irene Young for Thomas E. Creech in 10-99015 [10053048] (AF) [Entered: 07/18/2016 11:59 AM]
07/19/2016	☐ 85 2 pg, 77.85 KB	Filed (ECF) notice of appearance of Jonah J. Horwitz for Appellant Thomas E. Creech. Date of service: 07/19/2016. [10054151] [10-99015] (Horwitz, Jonah) [Entered: 07/19/2016 09:01 AM]
07/19/2016	☐ 86	Added attorney Jonah Horwitz for Thomas E. Creech, in case 10-99015. [10054156] (CW) [Entered: 07/19/2016 09:03 AM]
07/20/2016	☐ 87 2 pg, 77.37 KB	Filed (ECF) notice of appearance of Deborah A. Czuba for Appellant Thomas E. Creech. Date of service: 07/20/2016. [10055757] [10-99015] (Czuba, Deborah) [Entered: 07/20/2016 07:43 AM]
07/20/2016	☐ 88	Added attorney Deborah Anne Czuba for Thomas E. Creech, in case 10-99015. [10055764] (CW) [Entered: 07/20/2016 07:52 AM]
04/04/2017	☐ 89 5 pg, 44.58 KB	Filed (ECF) Appellee John Hardison status report (as required by Court order dated 07/18/2016). Date of service: 04/04/2017 [10382431] [10-99015] (Anderson, L.) [Entered: 04/04/2017 10:32 AM]
04/05/2017	☐ 90 8 pg, 38.86 KB	Filed (ECF) Appellant Thomas E. Creech status report (as required by Court order dated 07/18/2016). Date of service: 04/05/2017 [10384227] [10-99015] (Horwitz, Jonah) [Entered: 04/05/2017 10:08 AM]
04/05/2017	☐ 91 7 pg, 34.56 KB	Filed (ECF) Appellant Thomas E. Creech Motion for miscellaneous request [motion to expand certificate of appealability]. Date of service: 04/05/2017. [10384267] [10-99015]--[COURT UPDATE: Updated docket text to reflect content of filing. 04/05/2017 by SLM] (Horwitz, Jonah) [Entered: 04/05/2017 10:22 AM]
04/06/2017	☐ 92 2 pg, 61.59 KB	Received copy of amended notice of appeal from district court filed 4/5/17. PANEL [10386098] (CW) [Entered: 04/06/2017 10:50 AM]
04/12/2017	☐ 93 11 pg, 43.22 KB	Filed (ECF) Appellee John Hardison response to motion ([90] Status Report Req'd by Court (ECF Filing)). Date of service: 04/12/2017. [10393615] [10-99015] (Anderson, L.) [Entered: 04/12/2017 01:57 PM]
04/12/2017	☐ 94 11 pg, 42.47 KB	Filed (ECF) Appellee John Hardison response to motion ([91] Motion (ECF Filing), [91] Motion (ECF Filing) motion for miscellaneous relief (to be used only if no other relief applies)). Date of service: 04/12/2017. [10393622] [10-99015] (Anderson, L.) [Entered: 04/12/2017 01:59 PM]
04/18/2017	☐ 95 11 pg, 45.59 KB	Filed (ECF) Appellant Thomas E. Creech reply to response (motion for miscellaneous relief (to be used only if no other relief applies),). Date of service: 04/18/2017. [10400629] [10-99015] (Horwitz, Jonah) [Entered: 04/18/2017 12:39 PM]
05/18/2017	☐ 96 5 pg, 40.68 KB	Filed (ECF) Appellant Thomas E. Creech citation of supplemental authorities. Date of service: 05/18/2017. [10440333] [10-99015] (Horwitz, Jonah) [Entered: 05/18/2017 02:26 PM]
05/19/2017	☐ 97	COURT DELETED INCORRECT ENTRY. Incorrect ECF filing. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [98]. Original Text: Filed (ECF) Appellee John Hardison response to motion ([96] Additional Citations 28] Filed (ECF Filing)). Date of service: 05/19/2017. [10441916] [10-99015] (Anderson, L.) [Entered: 05/19/2017 02:31 PM]
05/19/2017	☐ 98 6 pg, 33.52 KB	Filed (ECF) Appellee John Hardison citation of supplemental authorities. Date of service: 05/19/2017. [10442006] --[COURT ENTERED FILING to correct entry [97] .] (TYL) [Entered: 05/19/2017 03:00 PM]
07/11/2017	☐ 99 1 pg, 32.78 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE): Petitioner's request to file replacement briefs (Docket No. [90]) is GRANTED. The clerk is directed to STRIKE the briefs currently on file. The replacement opening brief shall be filed no later than September 11, 2017, the replacement answering brief shall be filed no later than November 13, 2017, and the replacement reply brief, if any, shall be filed no later than December 1, 2017. Petitioner's motion to expand the certificate of appealability (Docket No. [91]) is DENIED. Petitioner may request an expansion of the certificate of appealability in accordance with the Ninth Circuit Rule 22-1(e). [10504611] (AF) [Entered: 07/11/2017 02:12 PM]
08/22/2017	☐ 100	Filed (ECF) Streamlined request for extension of time to file Opening Brief by Appellant Thomas E. Creech. New requested due date is 10/11/2017. [10552916] [10-99015] (Horwitz, Jonah) [Entered: 08/22/2017 08:45 AM]

08/23/2017	☐ 101	Streamlined request [100] by Appellant Thomas E. Creech to extend time to file the brief is not approved because Rule (31-2.2(a)(2)) A written motion must be filed. [10554580] (KM) [Entered: 08/23/2017 08:45 AM]
08/24/2017	☐ 102 6 pg, 29.61 KB	Filed (ECF) Appellant Thomas E. Creech Motion to extend time to file Opening brief until 11/13/2017. Date of service: 08/24/2017. [10557502] [10-99015] (Horwitz, Jonah) [Entered: 08/24/2017 02:29 PM]
08/25/2017	☐ 103 1 pg, 32.62 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE) Petitioner's request for an extension of time to file a replacement opening brief (Docket No. 102) is GRANTED. The replacement opening brief shall be filed no later than November 10, 2017, the replacement answering brief shall be filed no later than January 9, 2018, and the replacement reply brief, if any, shall be filed no later than January 30, 2018. [10559609] (OC) [Entered: 08/25/2017 04:22 PM]
10/24/2017	☐ 104 5 pg, 26.58 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Opening brief until 01/09/2018. Date of service: 10/24/2017. [10629152] [10-99015] (Horwitz, Jonah) [Entered: 10/24/2017 10:18 AM]
10/26/2017	☐ 105 1 pg, 32 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE): Petitioner's second unopposed motion for an extension of time to file a replacement opening brief (Dkt. 104) is GRANTED. The replacement opening brief shall be filed no later than January 9, 2018. The replacement answering brief shall be filed no later than March 12, 2018. The replacement reply brief, if any, shall be filed no later than April 2, 2018. [10633415] (AF) [Entered: 10/26/2017 04:34 PM]
12/15/2017	☐ 106 4 pg, 25.1 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Opening brief until 02/08/2018. Date of service: 12/15/2017. [10691621] [10-99015] (Horwitz, Jonah) [Entered: 12/15/2017 07:28 AM]
12/20/2017	☐ 107 1 pg, 38.83 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE) Petitioner's third unopposed motion for an extension of time to file a replacement opening brief (Dkt. 106) is GRANTED. The replacement opening brief shall be filed no later than February 8, 2018. The replacement answering brief shall be filed no later than April 9, 2018. The replacement reply brief, if any, shall be filed no later than April 30, 2018. [10697425] (WL) [Entered: 12/20/2017 11:42 AM]
01/25/2018	☐ 108 5 pg, 28.05 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Opening brief until 03/12/2018. Date of service: 01/25/2018. [10738244] [10-99015] (Horwitz, Jonah) [Entered: 01/25/2018 11:00 AM]
02/07/2018	☐ 109 1 pg, 38.84 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE) Petitioner's fourth unopposed motion for an extension of time to file a replacement opening brief (Dkt. 108) is GRANTED. Absent extraordinary circumstances, no further extensions will be granted. The replacement opening brief shall be filed no later than March 12, 2018. The replacement answering brief shall be filed no later than May 11, 2018. The replacement reply brief, if any, shall be filed no later than June 1, 2018. [10755709] (OC) [Entered: 02/07/2018 04:55 PM]
03/12/2018	☐ 110 8 pg, 162.13 KB	Filed (ECF) Appellant Thomas E. Creech Motion to take judicial notice of Answer, May 12, 1982, Lori Newton v. Darrol Gardner, USDC Case No. 82-1105. Date of service: 03/12/2018. [10794068] [10-99015] (Horwitz, Jonah) [Entered: 03/12/2018 09:16 AM]
03/12/2018	☐ 111 36 pg, 2.01 MB	Filed (ECF) Appellant Thomas E. Creech Motion to remand case. Date of service: 03/12/2018. [10794088] [10-99015] (Horwitz, Jonah) [Entered: 03/12/2018 09:24 AM]
03/12/2018	☐ 112 6 pg, 27.36 KB	Filed (ECF) Appellant Thomas E. Creech Motion to file oversized brief. Date of service: 03/12/2018. [10794101] [10-99015] (Horwitz, Jonah) [Entered: 03/12/2018 09:30 AM]
03/12/2018	☐ 113	Filed (ECF) UNDER SEAL Appellant Thomas E. Creech motion to file document under seal and submit sealed document. Type of document: brief. Date of service: 03/12/2018. [10794388] [10-99015] (Horwitz, Jonah) [Entered: 03/12/2018 11:19 AM]
03/12/2018	☐ 114 196 pg, 1.24 MB	Submitted (ECF) Opening Brief for review. Submitted by Appellant Thomas E. Creech. Date of service: 03/12/2018. [10794399] [10-99015] (Horwitz, Jonah) [Entered: 03/12/2018 11:23 AM]
03/12/2018	☐ 115 951 pg, 61.83 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellant Thomas E. Creech. Date of service: 03/12/2018. [10794426] [10-99015] (Horwitz, Jonah) [Entered: 03/12/2018 11:29 AM]
03/12/2018	☐ 116	Filed (ECF) UNDER SEAL Appellant Thomas E. Creech notice of intent to unseal previously sealed material. Material: excerpts of record. Date of service: 03/12/2018. [10794452] [10-99015]--[COURT UPDATE: Attached corrected PDF of certificate of service. 03/13/2018 by RY] (Horwitz, Jonah) [Entered: 03/12/2018 11:35 AM]
03/12/2018	☐ 117	Filed (ECF) UNDER SEAL Appellant Thomas E. Creech motion to file document under seal and submit sealed document. Type of document: excerpts of record. Date of service: 03/12/2018. [10794473] [10-99015] (Horwitz, Jonah) [Entered: 03/12/2018 11:41 AM]

03/13/2018	☐ 118 4 pg, 24.2 KB	Filed Appellant Thomas E. Creech motion to file opening brief UNDER SEAL. Deficiencies: None. (Court-entered filing, motion originally submitted in [113].) [10796652] (KT) [Entered: 03/13/2018 01:59 PM]
03/13/2018	☐ 119	Submitted (ECF) UNDER SEAL Opening Brief for review. Submitted by Appellant Thomas E. Creech. Date of service: 03/12/2018. (Court-entered filing, brief originally submitted in [113].) [10796680] (KT) [Entered: 03/13/2018 02:07 PM]
03/13/2018	☐ 120 2 pg, 152.06 KB	Filed (ECF) notice of filing document ([116]) publicly pursuant to Interim Circuit Rule 27-13(f). Filed by Appellant Thomas E. Creech. Date of service: 03/12/2018. (Court-entered filing) [10796703] (KT) [Entered: 03/13/2018 02:13 PM]
03/13/2018	☐ 121	Submitted (ECF) provisionally UNDER SEAL supplemental excerpts of record volume V. Submitted by Appellant Thomas E. Creech. Date of service: 03/12/2018. (Court-entered filing, excerpts of record originally submitted in [116].) [10796712] (KT) [Entered: 03/13/2018 02:15 PM]
03/13/2018	☐ 122 6 pg, 30.22 KB	Filed Appellant Thomas E. Creech motion to file supplemental excerpts of record volume VI UNDER SEAL. Deficiencies: None. Served on 03/12/2018. (Court-entered filing, motion originally submitted in [117].) [10796723] (KT) [Entered: 03/13/2018 02:19 PM]
03/13/2018	☐ 123	Submitted (ECF) UNDER SEAL supplemental excerpts of record volume VI. Submitted by Appellant Thomas E. Creech. Date of service: 03/12/2018. (Court-entered filing, excerpts of record originally submitted in [117].) [10796732] (KT) [Entered: 03/13/2018 02:22 PM]
03/16/2018	☐ 124 1 pg, 39.21 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE): Appellant's motions for judicial notice (Dkt. [110]), to file an oversized brief (Dkt. [112]), to file a portion of the opening brief under seal (Dkt. [113]), and to file supplemental excerpts of record volume VI under seal (Dkt. [117]) are GRANTED. Appellant's motion to remand the case to district court (Dkt. [111]) is DENIED as premature. [10801750] (AF) [Entered: 03/16/2018 01:50 PM]
04/03/2018	☐ 125 1 pg, 193.87 KB	Filed clerk order (Deputy Clerk: SVG): On March 12, 2018, appellant submitted Volume 5 of the supplemental excerpts of record provisionally under seal, accompanied by a notice of intent to file that volume publicly pursuant to Interim Ninth Circuit Rule 27-13(f). No other party has filed a motion to file or maintain that volume under seal. Consequently the Clerk shall publicly file the redacted opening brief (DE [114]) and Volumes 1 through 5 of the supplemental excerpts of record (DE [115] and [121]), and shall file the unredacted opening brief (DE [119]) and Volume 6 (DE [123]) under seal. [10822335] (AF) [Entered: 04/03/2018 10:54 AM]
04/03/2018	☐ 126 2 pg, 205.51 KB	Filed (ECF) notice of filing document ([116]) publicly pursuant to Interim Circuit Rule 27-13(f). Filed by Appellant Thomas E. Creech. Date of service: 03/12/2018. (Court-entered filing) [10822343] (AF) [Entered: 04/03/2018 10:57 AM]
04/03/2018	☐ 127 279 pg, 18.54 MB	Submitted (ECF) supplemental excerpts of record Vol 5. Submitted by Appellant Thomas E. Creech. Date of service: 03/12/2018. (Court-entered filing, excerpts of record originally submitted in [116].) [10822351] (AF) [Entered: 04/03/2018 10:59 AM]
04/03/2018	☐ 128 2 pg, 187.31 KB	Filed clerk order: The opening brief [119] submitted by Thomas E. Creech is filed UNDER SEAL. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. The Court has reviewed the supplemental excerpts of record [115], [127], [123] submitted by Thomas E. Creech. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format, with a white cover. The paper copies must be in the format described in 9th Circuit Rule 30-1.6. [10822607] (GV) [Entered: 04/03/2018 12:23 PM]
04/03/2018	☐ 129 2 pg, 186.76 KB	Filed clerk order: The opening brief [114] submitted by Thomas E. Creech is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification, attached to the end of each copy of the brief, that the brief is identical to the version submitted electronically. Cover color: blue. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate CM/ECF. [10822611] (GV) [Entered: 04/03/2018 12:28 PM]
04/09/2018	☐ 130	Filed four paper copies of supplemental excerpts of record [115], [127], [123] in 6 volumes (Volume 6 UNDER SEAL) filed by Appellant Thomas E. Creech. (sent to panel) [10828927] (GV) [Entered: 04/09/2018 11:05 AM]
04/09/2018	☐ 131	Received 7 paper copies of Opening Brief [119] filed UNDER SEAL by Thomas E. Creech. [10829261]--[Edited 04/11/2018 by SD to note that the brief was sent to panel] (SD) [Entered: 04/09/2018 01:13 PM]
04/09/2018	☐ 132	Received 7 paper copies of Opening Brief [114] filed by Thomas E. Creech. [10829267]--[Edited 04/11/2018 by SD to note that the brief was sent to panel] (SD) [Entered: 04/09/2018 01:16 PM]

05/10/2018	☐ 133	Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee John Hardison. New requested due date is 06/11/2018. [10868419] [10-99015] (Anderson, L.) [Entered: 05/10/2018 12:19 PM]
05/10/2018	☐ 134	Streamlined request [133] by Appellee John Hardison to extend time to file the brief is approved. Amended briefing schedule: Appellee John Hardison answering brief due 06/11/2018. The optional reply brief is due 21 days from the date of service of the answering brief. [10868669] (KM) [Entered: 05/10/2018 02:11 PM]
06/05/2018	☐ 135 8 pg, 1.05 MB	Filed (ECF) Appellee John Hardison Motion to extend time to file Answering brief until 08/10/2018. Date of service: 06/05/2018. [10896513] [10-99015] (Anderson, L.) [Entered: 06/05/2018 10:00 AM]
06/05/2018	☐ 136 1 pg, 39.04 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE) Respondent-Appellee's motion for an extension of time (Dkt. 135) is GRANTED. The replacement answering brief shall be filed no later than August 10, 2018. The replacement reply brief, if any, shall be filed within 21 days after the filing of the answering brief. [10897491] (WL) [Entered: 06/05/2018 03:25 PM]
08/03/2018	☐ 137 8 pg, 1.18 MB	Filed (ECF) Appellee John Hardison Motion to extend time to file Answering brief until 10/09/2018. Date of service: 08/03/2018. [10965700] [10-99015] (Anderson, L.) [Entered: 08/03/2018 01:51 PM]
08/06/2018	☐ 138 1 pg, 39.5 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE) Respondent-Appellee's unopposed motion for an extension of time to file a replacement answering brief (Dkt. 137) is GRANTED. The replacement answering brief shall be filed no later than October 9, 2018. The replacement reply brief, if any, shall be filed no later than October 30, 2018. [10967798] (WL) [Entered: 08/06/2018 03:25 PM]
10/02/2018	☐ 139 8 pg, 1.17 MB	Filed (ECF) Appellee John Hardison Motion to extend time to file Answering brief until 12/10/2018. Date of service: 10/02/2018. [11032740] [10-99015] (Anderson, L.) [Entered: 10/02/2018 03:04 PM]
10/04/2018	☐ 140 1 pg, 38.82 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE): Respondent-Appellee's unopposed motion for an extension of time to file a replacement answering brief (Dkt. 139) is GRANTED. The replacement answering brief shall be filed no later than December 10, 2018. The replacement reply brief, if any, shall be filed no later than December 31, 2018. [11035162] (AF) [Entered: 10/04/2018 11:09 AM]
12/03/2018	☐ 141 8 pg, 1.19 MB	Filed (ECF) Appellee John Hardison Motion to extend time to file Answering brief until 02/08/2019. Date of service: 12/03/2018. [11106869] [10-99015] (Anderson, L.) [Entered: 12/03/2018 11:42 AM]
12/04/2018	☐ 142	Appellee John Hardison in 10-99015 substituted by Appellee Al Ramirez in 10-99015 [11108625] (BY) [Entered: 12/04/2018 10:45 AM]
12/04/2018	☐ 143 1 pg, 39.04 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE): Respondent-Appellee's unopposed motion for an extension of time to file a replacement answering brief (Dkt. # 141) is GRANTED. The replacement answering brief shall be filed no later than February 8, 2019. The replacement reply brief, if any, shall be filed no later than March 1, 2019. [11108879] (AF) [Entered: 12/04/2018 11:49 AM]
01/31/2019	☐ 144 8 pg, 1.12 MB	Filed (ECF) Appellee Al Ramirez Motion to extend time to file Answering brief until 03/11/2019. Date of service: 01/31/2019. [11173932] [10-99015] (Anderson, L.) [Entered: 01/31/2019 09:43 AM]
01/31/2019	☐ 145	Filed text clerk order (Deputy Clerk: AF): Respondent-Appellee's unopposed motion for an extension of time to file a replacement answering brief (Docket Entry No. 144) is GRANTED. The replacement answering brief shall be filed no later than March 11, 2019. The replacement reply brief, if any, shall be filed no later than April 1, 2019. [11174780] (AF) [Entered: 01/31/2019 02:33 PM]
03/11/2019	☐ 146 4 pg, 48.04 KB	Filed (ECF) Appellee Al Ramirez Motion to file oversized brief. Date of service: 03/11/2019. [11223058] [10-99015] (Anderson, L.) [Entered: 03/11/2019 02:16 PM]
03/11/2019	☐ 147 140 pg, 451.31 KB	Submitted (ECF) Answering Brief for review. Submitted by Appellee Al Ramirez. Date of service: 03/11/2019. [11223061] [10-99015] (Anderson, L.) [Entered: 03/11/2019 02:17 PM]
03/11/2019	☐ 148 174 pg, 6.89 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellee Al Ramirez. Date of service: 03/11/2019. [11223068] [10-99015] (Anderson, L.) [Entered: 03/11/2019 02:19 PM]
03/12/2019	☐ 149	Filed text clerk order (Deputy Clerk: AF): Appellee Al Ramirez Motion to file oversized brief (Docket Entry No. 146) is granted. [11224327] (AF) [Entered: 03/12/2019 10:48 AM]
03/12/2019	☐ 150 2 pg, 94.52 KB	Filed clerk order: The answering brief 147 submitted by Al Ramirez is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: red. The Court has reviewed the second supplemental excerpts of record 148 submitted by Al Ramirez. Within 7 days of this order, filer is ordered to file 4 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11224565] (LA) [Entered: 03/12/2019 12:10 PM]

03/15/2019	☐	151	Filed 4 paper copies of second supplemental excerpts of record [148] in 1 volume(s) filed by Appellee Al Ramirez. (sent to panel) [11229156] (LA) [Entered: 03/15/2019 10:25 AM]
03/15/2019	☐	152	Received 7 paper copies of Answering Brief [147] filed by Al Ramirez. [11229410] (Sent to Panel) (RG) [Entered: 03/15/2019 11:50 AM]
03/20/2019	☐	153 4 pg, 24.82 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Reply brief until 05/01/2019. Date of service: 03/20/2019. [11235857] [10-99015] (Horwitz, Jonah) [Entered: 03/20/2019 01:38 PM]
03/21/2019	☐	154	Appellee Al Ramirez in 10-99015 substituted by Appellee Keith Yordy in 10-99015 [11237344] (SLM) [Entered: 03/21/2019 11:35 AM]
03/21/2019	☐	155	Filed text clerk order (Deputy Clerk: AF): Petitioner-Appellant's unopposed motion for an extension of time to file a replacement reply brief (Dkt. No. [153]) is GRANTED. The replacement reply brief shall be filed no later than May 1, 2019. [11237726] (AF) [Entered: 03/21/2019 01:55 PM]
04/23/2019	☐	156 4 pg, 94.68 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Reply brief until 05/31/2019. Date of service: 04/23/2019. [11273075] [10-99015] (Horwitz, Jonah) [Entered: 04/23/2019 08:42 AM]
04/23/2019	☐	157	Filed text clerk order (Deputy Clerk: AF): Petitioner-Appellant's second unopposed motion for an extension of time to file a replacement reply brief (Docket Entry No. [156]) is granted. [11274418] (AF) [Entered: 04/23/2019 04:12 PM]
05/21/2019	☐	158 4 pg, 24.19 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Reply brief until 07/01/2019. Date of service: 05/21/2019. [11303847] [10-99015] (Horwitz, Jonah) [Entered: 05/21/2019 08:59 AM]
05/21/2019	☐	159	Filed text clerk order (Deputy Clerk: AF): Petitioner-Appellant's third unopposed motion for an extension of time to file a replacement reply brief (Docket Entry No. [158]) is granted. [11304387] (AF) [Entered: 05/21/2019 12:18 PM]
06/27/2019	☐	160 4 pg, 24.9 KB	Filed (ECF) Appellant Thomas E. Creech Motion to file oversized brief. Date of service: 06/27/2019. [11346330] [10-99015] (Horwitz, Jonah) [Entered: 06/27/2019 08:23 AM]
06/27/2019	☐	161 89 pg, 389.5 KB	Submitted (ECF) Reply Brief for review. Submitted by Appellant Thomas E. Creech. Date of service: 06/27/2019. [11346351] [10-99015] (Horwitz, Jonah) [Entered: 06/27/2019 08:39 AM]
06/27/2019	☐	162	Filed text clerk order (Deputy Clerk: AF): Appellant Thomas E. Creech's motion to file oversized brief (Docket Entry No. [160]) is granted. [11346722] (AF) [Entered: 06/27/2019 11:09 AM]
06/27/2019	☐	163 2 pg, 93.95 KB	Filed clerk order: The reply brief [161] submitted by Thomas E. Creech is filed. Within 7 days of the filing of this order, filer is ordered to file 7 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: gray. The paper copies shall be submitted to the principal office of the Clerk. [11347719] (LA) [Entered: 06/27/2019 05:12 PM]
07/01/2019	☐	164	Received 7 paper copies of Reply Brief [161] filed by Thomas E. Creech. (sent to panel) [11350606] (SD) [Entered: 07/01/2019 01:51 PM]
08/02/2019	☐	165	FILED (ORIGINAL) CERTIFIED RECORD ON APPEAL. Record Part: State Lodged Docs, No. of Boxes: 2, Sealed: n. [11385217] (SOS) [Entered: 08/02/2019 10:25 AM]
09/19/2019	☐	166 1 pg, 99.6 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE): By November 15, 2019, appellee is directed to file a supplemental answering brief, not to exceed 13,000 words, addressing all of the uncertified issues raised in the appellant's replacement opening brief (Docket Entry No. [113]), at pages 88-173. Appellant must file a supplemental reply brief, not to exceed 6,500 words, within 21 days after service of the supplemental answering brief. No motions to exceed the word limits will be entertained. The court defers decision on whether a certificate of appealability will be granted as to the uncertified issues. [11437443] (AF) [Entered: 09/19/2019 01:50 PM]
11/01/2019	☐	167	Filed (ECF) Streamlined request for extension of time to file Answering Brief by Appellee Keith Yordy. New requested due date is 12/16/2019. [11486237] [10-99015] (Anderson, L.) [Entered: 11/01/2019 01:11 PM]
11/01/2019	☐	168	Streamlined request [167] by Appellee Keith Yordy to extend time to file the brief is not approved because the case is assigned to a panel. The filer must file a motion. [11486912] (DLM) [Entered: 11/01/2019 05:54 PM]
11/04/2019	☐	169 8 pg, 354.07 KB	Filed (ECF) Appellee Keith Yordy Motion to extend time to file Supplemental brief until 12/20/2019. Date of service: 11/04/2019. [11488404] [10-99015] (Anderson, L.) [Entered: 11/04/2019 03:12 PM]
11/05/2019	☐	170 1 pg, 98.83 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE): Appellee's motion for an extension of time to file the supplemental answering brief (Docket Entry No. [169]) is granted. The supplemental answering brief is now due December 20, 2019. The supplemental reply brief is due within

		21 days after service of the supplemental answering brief. [11489462] (AF) [Entered: 11/05/2019 11:27 AM]
12/12/2019	☐ 171 8 pg, 347.91 KB	Filed (ECF) Appellee Keith Yordy Motion to extend time to file Supplemental brief until 01/21/2020. Date of service: 12/12/2019. [11530499] [10-99015] (Anderson, L.) [Entered: 12/12/2019 02:53 PM]
12/12/2019	☐ 172	Filed text clerk order (Deputy Clerk: OC): Respondent-Appellee's unopposed motion [171] for an extension of time to file their supplemental brief, is granted. Respondent-appellee's supplemental answering brief shall be filed on or before January 20, 2020. Petitioner-appellant's supplemental reply brief shall be filed within 21 days after service of the supplemental answering brief. [11530771] (OC) [Entered: 12/12/2019 04:26 PM]
01/13/2020	☐ 173 7 pg, 389.13 KB	Filed (ECF) Appellee Keith Yordy Motion to extend time to file Supplemental brief until 02/19/2020. Date of service: 01/13/2020. [11560103] [10-99015] (Anderson, L.) [Entered: 01/13/2020 02:09 PM]
01/13/2020	☐ 174 2 pg, 17.54 KB	Filed (ECF) Appellant Thomas E. Creech response non-opposing motion ([173] Motion (ECF Filing), [173] Motion (ECF Filing) motion to extend time to file brief). Date of service: 01/13/2020. [11560296] [10-99015] (Livingston, Bruce) [Entered: 01/13/2020 02:59 PM]
01/14/2020	☐ 175 8 pg, 421.46 KB	Filed (ECF) Appellee Keith Yordy Corrected Motion to extend time to file Answering brief until 02/19/2020. Date of service: 01/14/2020. [11561428] [10-99015] (Anderson, L.) [Entered: 01/14/2020 10:49 AM]
01/14/2020	☐ 176 1 pg, 99.4 KB	Filed order (WILLIAM A. FLETCHER, RAYMOND C. FISHER and JAY S. BYBEE): Appellee's unopposed motion for a third extension of time to file the supplemental answering brief (Docket Entry Nos. [173] , [175]) is granted. The supplemental answering brief is now due February 19, 2020. In light of the multiple extensions of time granted in this case, further requests to extend time are disfavored. The supplemental reply brief is due within 21 days after service of the supplemental answering brief. [11562203] (AF) [Entered: 01/14/2020 03:17 PM]
02/14/2020	☐ 177	Filed (ECF) UNDER SEAL Appellee Keith Yordy motion to file document under seal and submit sealed document. Type of document: brief. Date of service: 02/14/2020. [11598262] [10-99015]--[COURT UPDATE: Attached corrected PDFs. 02/14/2020 by LA] (Anderson, L.) [Entered: 02/14/2020 02:09 PM]
02/14/2020	☐ 178	COURT DELETED DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [181] . Original Text: Submitted (ECF) Supplemental Brief for review. Submitted by Appellee Keith Yordy. Date of service: 02/14/2020. [11598264] [10-99015] (Anderson, L.) [Entered: 02/14/2020 02:11 PM]
02/14/2020	☐ 179 2 pg, 17.5 KB	Filed (ECF) Appellant Thomas E. Creech response to motion ([177] Motion (Seal) (ECF Filing)). Date of service: 02/14/2020. [11598396] [10-99015] (Livingston, Bruce) [Entered: 02/14/2020 02:48 PM]
02/14/2020	☐ 180	COURT DELETED INCORRECT AND DUPLICATE ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [177] . Original Text: Filed (ECF) UNDER SEAL Appellee Keith Yordy notice of filing document under seal. Type of document: brief. Date of service: 02/14/2020. [11598601] [10-99015] (Anderson, L.) [Entered: 02/14/2020 03:48 PM]
02/14/2020	☐ 181 72 pg, 322.11 KB	Submitted (ECF) Supplemental Brief for review. Submitted by Appellee Keith Yordy. Date of service: 02/14/2020. [11598602] [10-99015] (Anderson, L.) [Entered: 02/14/2020 03:49 PM]
02/14/2020	☐ 182	COURT DELETED INCORRECT ENTRY. Notice about deletion sent to case participants registered for electronic filing. Correct Entry: [183] . Original Text: Filed (ECF) Errata to supplemental excerpts of record ([181] Brief Submitted for Review (ECF Filing)). Filed by Appellee Keith Yordy. Date of service: 02/14/2020. [11598617] [10-99015] (Anderson, L.) [Entered: 02/14/2020 03:57 PM]
02/14/2020	☐ 183 148 pg, 7.67 MB	Submitted (ECF) supplemental excerpts of record. Submitted by Appellee Keith Yordy. Date of service: 02/14/2020. [11598716]--[COURT ENTERED FILING to replace entry [182] .] (LA) [Entered: 02/14/2020 04:42 PM]
02/14/2020	☐ 184 4 pg, 34.07 KB	Filed Appellee Keith Yordy motion to file unredacted supplemental answering brief UNDER SEAL. Deficiencies: None. Served on 02/14/2020. (Court-entered filing, motion originally filed at [177] .) [11598747] (LA) [Entered: 02/14/2020 04:52 PM]
02/14/2020	☐ 185	Submitted (ECF) UNDER SEAL Supplemental Brief for review. Submitted by Appellee Keith Yordy. Date of service: 02/14/2020. (Court-entered filing, brief originally submitted in [177] .) [11598753] (LA) [Entered: 02/14/2020 04:58 PM]
02/24/2020	☐ 186 1 pg, 96.81 KB	Filed clerk order (Deputy Clerk: AF): Pursuant to G.O. § 3.2.h, Judge Christen has been drawn as the replacement for Judge Fisher. The panel for this case will now consist of: W. FLETCHER, BYBEE and CHRISTEN, Circuit Judges. [11606340] (AF) [Entered: 02/24/2020 11:07 AM]
02/24/2020	☐ 187	Filed text clerk order (Deputy Clerk: AF): Respondent-Appellee's unopposed motion to seal portion of supplemental answering brief (DE # [177] and # [184]) is granted. [11606456] (AF) [Entered: 02/24/2020 11:37 AM]

02/24/2020	☐ 188 2 pg, 94.21 KB	Filed clerk order: The supplemental answering brief [185] submitted by Keith Yordy is filed UNDER SEAL. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: tan. The supplemental excerpts of record [183] submitted by Keith Yordy are filed. Within 7 days of this order, filer is ordered to file 3 copies of the excerpts in paper format securely bound on the left side, with white covers. The paper copies shall be submitted to the principal office of the Clerk. [11606583] (LA) [Entered: 02/24/2020 12:36 PM]
02/24/2020	☐ 189 1 pg, 89.55 KB	Filed clerk order: The redacted supplemental answering brief [181] submitted by Keith Yordy is filed. No paper copies of the redacted brief are required at this time. [11606588] (LA) [Entered: 02/24/2020 12:38 PM]
02/25/2020	☐ 190	Received 6 paper copies of Supplemental Answering Brief [185] filed (UNDER SEAL) by Keith Yordy. (sent to panel) [11608461] (SD) [Entered: 02/25/2020 02:04 PM]
02/25/2020	☐ 191	Received 3 paper copies of third supplemental excerpts of record [183] in 1 volume(s) filed by Appellee Keith Yordy. (sent to panel) [11608578] (LA) [Entered: 02/25/2020 02:41 PM]
02/26/2020	☐ 192 5 pg, 26.28 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Supplemental brief until 04/06/2020. Date of service: 02/26/2020. [11609347] [10-99015] (Horwitz, Jonah) [Entered: 02/26/2020 10:09 AM]
03/02/2020	☐ 193 1 pg, 95.36 KB	Filed order (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN): Appellant's unopposed motion for an extension of time to file the supplemental reply brief (Docket Entry No. [192]) is granted. The supplemental reply brief is now due April 6, 2020. [11614100] (AF) [Entered: 03/02/2020 08:50 AM]
03/25/2020	☐ 194 7 pg, 33.66 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Supplemental brief until 05/06/2020. Date of service: 03/25/2020. [11640970] [10-99015] (Horwitz, Jonah) [Entered: 03/25/2020 07:42 AM]
03/25/2020	☐ 195 1 pg, 96.23 KB	Filed order (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN): Appellant's unopposed motion for a second extension of time to file the supplemental reply brief (Docket Entry No. [194]) is granted. The supplemental reply brief is now due May 6, 2020. [11641966] (AF) [Entered: 03/25/2020 04:02 PM]
04/27/2020	☐ 196 7 pg, 34.14 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Supplemental brief until 06/05/2020. Date of service: 04/27/2020. [11672406] [10-99015] (Horwitz, Jonah) [Entered: 04/27/2020 11:04 AM]
04/27/2020	☐ 197 1 pg, 96.09 KB	Filed order (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN): Appellant's unopposed motion for a third extension of time to file the supplemental reply brief (Docket Entry No. [196]) is granted. The supplemental reply brief is now due June 5, 2020. [11673186] (AF) [Entered: 04/27/2020 03:56 PM]
05/27/2020	☐ 198 6 pg, 30.77 KB	Filed (ECF) Appellant Thomas E. Creech Unopposed Motion to extend time to file Supplemental brief until 07/06/2020. Date of service: 05/27/2020. [11702253] [10-99015]--[COURT UPDATE: Updated docket text to reflect content of filing. 05/27/2020 by SLM] (Horwitz, Jonah) [Entered: 05/27/2020 11:01 AM]
05/27/2020	☐ 199 1 pg, 98.26 KB	Filed order (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN): Appellant's unopposed motion for a fourth and final extension of time to file the supplemental reply brief (Docket Entry No. [198]) is granted. The supplemental reply brief is now due July 6, 2020. In light of the multiple extensions of time granted in this case, further requests to extend time will not be granted absent extraordinary circumstances. [11702928] (AF) [Entered: 05/27/2020 03:44 PM]
07/06/2020	☐ 200  36 pg, 192.2 KB	Filed (ECF) UNDER SEAL Appellant Thomas E. Creech motion to file document under seal and submit sealed document. Type of document: brief. Date of service: 07/06/2020. [11742106] [10-99015]--[COURT UPDATE: Attached corrected PDFs. 07/06/2020 by LA] (Horwitz, Jonah) [Entered: 07/06/2020 09:07 AM]
07/06/2020	☐ 201 35 pg, 148.51 KB	Submitted (ECF) Supplemental Brief for review. Submitted by Appellant Thomas E. Creech. Date of service: 07/06/2020. [11742131] [10-99015]--[COURT UPDATE: Attached corrected brief. 07/06/2020 by LA] (Horwitz, Jonah) [Entered: 07/06/2020 09:17 AM]
07/06/2020	☐ 202 4 pg, 84.32 KB	Filed (ECF) Appellant Thomas E. Creech Motion to supplement record on appeal. Date of service: 07/06/2020. [11742747] [10-99015]--[COURT UPDATE: Attached SEALED declaration. 07/06/2020 by LA] (Horwitz, Jonah) [Entered: 07/06/2020 01:13 PM]
07/06/2020	☐ 203	Filed (ECF) UNDER SEAL Appellant Thomas E. Creech motion to file document under seal and submit sealed document. Type of document: other (Declaration). Date of service: 07/06/2020. [11742818] [10-99015] (Horwitz, Jonah) [Entered: 07/06/2020 01:47 PM]
07/06/2020	☐ 204 4 pg, 63.81 KB	Filed Appellant Thomas E. Creech unopposed motion to file supplemental reply brief UNDER SEAL. Deficiencies: None. Served on 07/06/2020. (Court-entered filing, motion original filed in [200]) [11743143] (LA) [Entered: 07/06/2020 03:20 PM]

07/06/2020	☐ 205	Submitted (ECF) UNDER SEAL Supplemental Brief for review. Submitted by Appellant Thomas E. Creech. Date of service: 07/06/2020. (Court-entered filing, brief originally submitted in [200] .) [11743155] (LA) [Entered: 07/06/2020 03:22 PM]
07/06/2020	☐ 206 4 pg, 85.73 KB	Filed Appellant Thomas E. Creech motion to file declaration UNDER SEAL. Deficiencies: None. Served on 07/06/2020. (Court-entered filing, motion originally filed in [203]) [11743164] (LA) [Entered: 07/06/2020 03:26 PM]
07/08/2020	☐ 207 1 pg, 96.88 KB	Filed order (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN): Appellant's unopposed motion to seal (Docket Entry Nos. [200] & [204]) portions of the supplemental reply brief (Docket Entry Nos. [201] & [205]) is granted. This order does not address appellant's motion to supplement the record on appeal (Docket Entry No. [202]) or the motion to file an additional declaration under seal (Docket Entry Nos. [203] & [206]). [11746195] (AF) [Entered: 07/08/2020 02:16 PM]
07/08/2020	☐ 208 2 pg, 94.82 KB	Filed clerk order: The supplemental brief [205] submitted by Thomas E. Creech is filed UNDER SEAL. Within 7 days of the filing of this order, filer is ordered to file 6 copies of the brief in paper format, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. Cover color: tan. The paper copies shall be submitted to the principal office of the Clerk. [11746314] (KWG) [Entered: 07/08/2020 03:00 PM]
07/08/2020	☐ 209 1 pg, 90.9 KB	Filed clerk order: The redacted supplemental brief [201] submitted by Thomas E. Creech is filed. No paper copies are required at this time. [11746341] (KWG) [Entered: 07/08/2020 03:08 PM]
07/13/2020	☐ 210 7 pg, 61.08 KB	Filed (ECF) Appellee Keith Yordy response opposing motion ([202] Motion (ECF Filing), [202] Motion (ECF Filing)). Date of service: 07/13/2020. [11749977] [10-99015] (Anderson, L.) [Entered: 07/13/2020 07:53 AM]
07/13/2020	☐ 211	Received 6 paper copies of Supplemental Brief [205] filed UNDER SEAL by Thomas E. Creech (sent to panel). [11750516] (DB) [Entered: 07/13/2020 12:07 PM]
07/14/2020	☐ 212	Filed (ECF) UNDER SEAL Appellant Thomas E. Creech motion to file document under seal and submit sealed document. Type of document: other (Reply In Support of Motion to Supplement the Record on Appeal [Dkt. 202-1]). Date of service: 07/14/2020. [11752654] [10-99015] (Horwitz, Jonah) [Entered: 07/14/2020 02:11 PM]
07/14/2020	☐ 213 4 pg, 33.39 KB	Filed Appellant Thomas E. Creech motion to file Reply In Support of Motion to Supplement the Record on Appeal [Dkt. 202-1] UNDER SEAL. Deficiencies: None. Served on 07/14/2020. (Court-entered filing, motion originally filed in [212]) [11752768] (LA) [Entered: 07/14/2020 02:43 PM]
07/14/2020	☐ 214	Filed UNDER SEAL Appellant Thomas E. Creech reply to response to motion to supplement record on appeal [210] filed by Appellee Keith Yordy; served on 07/14/2020. (Court-entered filing, reply originally filed at [212]) [11752775] (LA) [Entered: 07/14/2020 02:47 PM]
07/16/2020	☐ 215 1 pg, 122.29 KB	Filed order (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN): Appellant's motion to file a reply brief under seal (Docket Entry Nos. [212] & [213]) is granted. Appellant's motions to supplement the record on appeal (Docket Entry No. [202]) and to file an additional declaration under seal (Docket Entry Nos. [203] & [206]) will be addressed in connection with his request to expand the certificate of appealability. [11755844] (AF) [Entered: 07/16/2020 04:17 PM]
07/16/2020	☐ 216	Appellee Keith Yordy in 10-99015 substituted by Appellee Tyrell Davis in 10-99015 [11755855] (AF) [Entered: 07/16/2020 04:21 PM]
01/29/2021	☐ 217 1 pg, 99.8 KB	Filed clerk order (Deputy Clerk: AF): Oral argument will take place during the week of September 20, 2021, in San Francisco, California. The date and time will be determined by separate order. For further information or special requests regarding scheduling, please contact Deputy Clerk Paul Keller at paul_keller@ca9.uscourts.gov or (206) 224-2236. [11985516] (WL) [Entered: 01/29/2021 07:24 AM]
06/30/2021	☐ 218 5 pg, 128.1 KB	Filed (ECF) Appellant Thomas E. Creech Motion for miscellaneous relief [Motion to Vacate Oral Argument]. Date of service: 06/30/2021. [12158631] [10-99015] (Horwitz, Jonah) [Entered: 06/30/2021 08:38 AM]
07/09/2021	☐ 219 13 pg, 189.24 KB	Filed (ECF) Appellee Tyrell Davis response opposing motion ([218] Motion (ECF Filing), [218] Motion (ECF Filing)). Date of service: 07/09/2021. [12168274] [10-99015] (Anderson, L.) [Entered: 07/09/2021 01:42 PM]
07/13/2021	☐ 220 9 pg, 142.75 KB	Filed (ECF) Appellant Thomas E. Creech reply to response (motion for miscellaneous relief (to be used only if no other relief applies),). Date of service: 07/13/2021. [12171499] [10-99015] (Horwitz, Jonah) [Entered: 07/13/2021 03:27 PM]
07/28/2021	☐ 221	Filed text clerk order (Deputy Clerk: WL): Appellant's motion to vacate oral argument (Docket Entry # [218]) is denied. [12185514] (WL) [Entered: 07/28/2021 12:14 PM]
08/26/2021	☐ 222	Notice of Oral Argument on Monday, September 20, 2021 - 1:30 P.M. - Courtroom 1 - Scheduled Location: Pasadena CA. The hearing time is the local time zone at the scheduled hearing location.

View the Oral Argument Calendar for your case [here](#).

NOTE: Although your case is currently scheduled for oral argument, the panel may decide to submit the case on the briefs instead. See Fed. R. App. P. 34. Absent further order of the court, if the court does determine that oral argument is required in this case, you may have the option to appear in person at the Courthouse or remotely by video. Check [here](#) for updates on the status of reopening as the hearing date approaches. At this time, even when in person hearings resume, an election to appear remotely by video will not require a motion. The court expects and supports the fact that some attorneys and some judges will continue to appear remotely. If the panel determines that it will hold oral argument in your case, the Clerk's Office will contact you directly at least two weeks before the set argument date to review any requirements for in person appearance or to make any necessary arrangements for remote appearance.

Please note however that if you do elect to appear remotely, the court **strongly prefers** video over telephone appearance. Therefore, if you wish to appear remotely by telephone you will need to file a motion requesting permission to do so.

Be sure to review the [GUIDELINES](#) for important information about your hearing, including when to be available (30 minutes before the hearing time) and when and how to submit additional citations (filing electronically as far in advance of the hearing as possible).

If you are the specific attorney or self-represented party who will be arguing, use the [ACKNOWLEDGMENT OF HEARING NOTICE](#) filing type in CM/ECF no later than 21 days before Monday, September 20, 2021. No form or other attachment is required. If you will not be arguing, do not file an acknowledgment of hearing notice.[12212273]. [10-99015] (KS) [Entered: 08/26/2021 11:08 AM]

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| 08/27/2021 | ☐ 223 | Filed (ECF) Acknowledgment of hearing notice by Attorney Mr. L. LaMont Anderson for Appellee Tyrell Davis. Hearing in Pasadena on 09/20/2021 at 1:30 P.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 08/27/2021. [12213122] [10-99015] (Anderson, L.) [Entered: 08/27/2021 08:45 AM] |
| 08/27/2021 | ☐ 224 | Filed (ECF) Acknowledgment of hearing notice by Attorney Jonah Horwitz for Appellant Thomas E. Creech. Hearing in Pasadena on 09/20/2021 at 1:30 P.M. (Courtroom: Courtroom 1). Filer sharing argument time: No. (Argument minutes: 10.) Special accommodations: NO. Filer admission status: I certify that I am admitted to practice before this Court. Date of service: 08/27/2021. [12213337] [10-99015] (Horwitz, Jonah) [Entered: 08/27/2021 10:10 AM] |
| 09/07/2021 | ☐ 225
2 pg, 154.62 KB | Filed (ECF) Appellant Thomas E. Creech citation of supplemental authorities. Date of service: 09/07/2021. [12221216] [10-99015] (Horwitz, Jonah) [Entered: 09/07/2021 10:02 AM] |
| 09/14/2021 | ☐ 226
2 pg, 473.9 KB | Filed (ECF) Appellee Tyrell Davis citation of supplemental authorities. Date of service: 09/14/2021. [12228182] [10-99015] (Anderson, L.) [Entered: 09/14/2021 02:30 PM] |
| 09/16/2021 | ☐ 227
1 pg, 324.31 KB | Filed (ECF) Appellee Tyrell Davis citation of supplemental authorities. Date of service: 09/16/2021. [12230230] [10-99015] (Anderson, L.) [Entered: 09/16/2021 10:03 AM] |
| 09/20/2021 | ☐ 228 | ARGUED AND SUBMITTED TO WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN. [12233582] (BG) [Entered: 09/20/2021 03:00 PM] |
| 09/24/2021 | ☐ 229
1 pg, 64.04 MB | Filed Audio recording of oral argument.
Note: Video recordings of public argument calendars are available on the Court's website, at http://www.ca9.uscourts.gov/media/ [12238524] (BG) [Entered: 09/24/2021 02:26 PM] |
| 10/12/2021 | ☐ 230
2 pg, 128.05 KB | Filed (ECF) Appellant Thomas E. Creech citation of supplemental authorities. Date of service: 10/12/2021. [12253543] [10-99015] (Horwitz, Jonah) [Entered: 10/12/2021 10:15 AM] |
| 01/05/2022 | ☐ 231 | Filed (ECF) notice of appearance of Christopher M. Sanchez (Federal Defenders of Idaho, Capital Habeas Unit, 702 W. Idaho St., Ste. 900, Boise, ID 83702) for Appellant Thomas E. Creech. Substitution for Attorney Bruce D. Livingston for Appellant Thomas E. Creech. Date of service: 01/05/2022. (Party was previously proceeding with counsel.) [12331702] [10-99015] (Sanchez, Christopher) [Entered: 01/05/2022 10:06 AM] |
| 01/05/2022 | ☐ 232 | Attorney Bruce D. Livingston in 10-99015 substituted by Attorney Christopher Michael Sanchez in 10-99015 [12331746] (DJV) [Entered: 01/05/2022 10:31 AM] |
| 05/20/2022 | ☐ 233
2 pg, 113.84 KB | Filed (ECF) Appellant Thomas E. Creech citation of supplemental authorities. Date of service: 05/20/2022. [12452445] [10-99015] (Horwitz, Jonah) [Entered: 05/20/2022 11:33 AM] |
| 06/08/2022 | ☐ 234
15 pg, 92.78 KB | Filed (ECF) Appellant Thomas E. Creech Motion to file substitute or corrected brief. Date of service: 06/08/2022. [12466432] [10-99015] (Horwitz, Jonah) [Entered: 06/08/2022 11:57 AM] |

06/15/2022	☐ 235 14 pg, 198.88 KB	Filed (ECF) Appellee Tyrell Davis response to motion ([234] Motion (ECF Filing), [234] Motion (ECF Filing)). Date of service: 06/15/2022. [12471483] [10-99015] (Anderson, L.) [Entered: 06/15/2022 09:30 AM]
06/22/2022	☐ 236 9 pg, 110.4 KB	Filed (ECF) Appellant Thomas E. Creech reply to response (). Date of service: 06/22/2022. [12476768] [10-99015] (Horwitz, Jonah) [Entered: 06/22/2022 09:57 AM]
07/19/2022	☐ 237 78 pg, 18.28 MB	Filed (ECF) Appellant Thomas E. Creech Motion to stay appellate proceedings. Date of service: 07/19/2022. [12496940] [10-99015] (Horwitz, Jonah) [Entered: 07/19/2022 09:03 AM]
07/20/2022	☐ 238	Appellee Tyrell Davis in 10-99015 substituted by Appellee Tim Richardson in 10-99015 [12497949] (TYL) [Entered: 07/20/2022 09:03 AM]
07/20/2022	☐ 239	Filed text clerk order (Deputy Clerk: AKM): Appellant's motion to take judicial notice, Dkt. No. [32], is denied. The motions, Dkt. Nos. [202], [203], and [206], are granted. Appellant's motion to stay filed 7/19/2022, Dkt. No. [237], is denied. [12497950] (AKM) [Entered: 07/20/2022 09:04 AM]
07/20/2022	☐ 240 47 pg, 622.86 KB	FILED OPINION (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN) After we heard argument in the pre-Martinez appeal, we voted unanimously to deny all claims adversely to Creech except for those that became available post-argument under Martinez. Replacement or supplemental briefs of the sort Creech seeks to file would thus make no difference to the outcome. We therefore deny Creech's motion to file replacement or supplemental briefs. We affirm the district court's denial of Creech's second amended habeas petition. AFFIRMED. Judge: WAF Authoring. FILED AND ENTERED JUDGMENT. [12497960] (AKM) [Entered: 07/20/2022 09:08 AM]
07/20/2022	☐ 241 2 pg, 39.49 KB	Filed order (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN) The mandate is stayed pending the time to file a petition for certiorari. Please note the following: (1) If no timely petition for certiorari is filed, the mandate will issue immediately upon the expiration of the time to file, absent an extension for good cause shown; (2) If a timely petition for certiorari is filed, the mandate will issue immediately upon notice to this court that the Supreme Court has denied the petition for certiorari unless the panel deems that extraordinary circumstances exist; and (3) If certiorari is granted, the stay of the mandate will continue until the Supreme Court's final disposition. See Fed. R. App. P. 41(d). If a petition for certiorari is filed, the moving party must notify this court in writing of that filing on the same day the petition is filed in the Supreme Court. In addition, please note that this stay does not limit the ability to file a petition for panel rehearing and/or rehearing en banc with this court. See Fed. R. App. P. 35 & 40. [12498588] (AKM) [Entered: 07/20/2022 03:26 PM]
07/25/2022	☐ 242 7 pg, 119.27 KB	Filed (ECF) Appellant Thomas E. Creech Motion to extend time to file petition for rehearing until 10/03/2022. Date of service: 07/25/2022. [12501341] [10-99015] (Horwitz, Jonah) [Entered: 07/25/2022 12:52 PM]
07/27/2022	☐ 243	Filed text clerk order (Deputy Clerk: AF): Appellant's motion (Dkt. [242]) to extend time to file a petition for rehearing until October 3, 2022, is granted. [12503862] (AF) [Entered: 07/27/2022 05:40 PM]
10/03/2022	☐ 244 72 pg, 469.57 KB	Filed (ECF) Appellant Thomas E. Creech petition for panel rehearing and petition for rehearing en banc (from 07/20/2022 opinion). Date of service: 10/03/2022. [12553995] [10-99015] (Horwitz, Jonah) [Entered: 10/03/2022 05:13 AM]
10/07/2022	☐ 245 1 pg, 31.21 KB	Filed order (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN): Respondent-Appellee is directed to file a response to Petitioner-Appellant's Petition for Panel and En Banc Rehearing (Dkt. No. [244]) filed with this court on October 3, 2022. The response shall not exceed 20 pages or 5600 words and shall be filed within 21 days of the date of this order. [12558218] (AF) [Entered: 10/07/2022 09:54 AM]
10/13/2022	☐ 246 31 pg, 263.45 KB	Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by National Disability Rights Network. Date of service: 10/13/2022. [12563045] [10-99015] (Litvack, Douglas) [Entered: 10/13/2022 06:41 PM]
10/13/2022	☐ 247 34 pg, 120.36 KB	Submitted (ECF) Amicus brief for review and filed Motion to become amicus curiae. Submitted by National Association for Public Defense. Date of service: 10/13/2022. [12563061] [10-99015] (Wells, Vanessa) [Entered: 10/13/2022 09:29 PM]
10/14/2022	☐ 248	Entered appearance of Amici Curiae - Pending NDRN and National Association for Public Defense. [12563548] (LA) [Entered: 10/14/2022 11:52 AM]
10/20/2022	☐ 249 7 pg, 1.44 MB	Filed (ECF) Appellee Tim Richardson Motion to extend time to comply with the order dated 10/07/2022. Date of service: 10/20/2022. [12568778] [10-99015] (Anderson, L.) [Entered: 10/20/2022 11:27 AM]
10/26/2022	☐ 250	Filed text clerk order (Deputy Clerk: WL): Appellee's motion (Docket Entry #[249]) for an extension of time to file a response to the petition for panel and en banc rehearing until December 12, 2022, is granted. [12573875] (WL) [Entered: 10/26/2022 05:04 PM]

12/05/2022	☐ 251 8 pg, 1.76 MB	Filed (ECF) Appellee Tim Richardson Motion to extend time to file a response until 01/03/2023. Date of service: 12/05/2022. [12601710] [10-99015] (Anderson, L.) [Entered: 12/05/2022 07:42 AM]
12/05/2022	☐ 252	Filed text clerk order (Deputy Clerk: AF): Appellee's motion (Docket Entry #[251]) for an extension of time to file a response to the petition for panel and en banc rehearing until January 03, 2023, is granted. [12602728] (AF) [Entered: 12/05/2022 04:20 PM]
12/20/2022	☐ 253 79 pg, 22.4 MB	Filed (ECF) Appellee Tim Richardson Correspondence: Notice of Status of State Successive Post-Conviction Case with Appendices. Date of service: 12/20/2022 [12615175] [10-99015] (Anderson, L.) [Entered: 12/20/2022 03:30 PM]
12/20/2022	☐ 254 29 pg, 224.01 KB	Filed (ECF) Appellee Tim Richardson response to petition for panel rehearing and petition for rehearing en banc, Order. Date of service: 12/20/2022. [12615184]. [10-99015] --[COURT UPDATE: Updated docket text to reflect content of filing. 12/20/2022 by TYL] (Anderson, L.) [Entered: 12/20/2022 03:39 PM]
02/06/2023	☐ 255	Filed text clerk order (Deputy Clerk: AKM): The motions to become amicus curiae, Dkt. Nos. [246] and [247], are granted. [12646597] (AKM) [Entered: 02/06/2023 09:14 AM]
02/06/2023	☐ 256 45 pg, 256.41 KB	Filed order and amended opinion (WILLIAM A. FLETCHER, JAY S. BYBEE and MORGAN B. CHRISTEN). The opinion filed on July 20, 2022, and published at 40 F.4th 1013, is hereby amended and replaced by the amended opinion filed concurrently with this order. With this amendment, the panel has unanimously voted to deny the petition for panel rehearing. Judge Christen has voted to deny the petition for rehearing en banc, and Judges W. Fletcher and Bybee so recommend. The full court has been advised of the petition, and no judge of the court has requested a vote on the petition for rehearing en banc. Fed. R. App. P. 35. Appellant's petition for panel and en banc rehearing (Dkt. No. [244]) is DENIED. No further petitions for rehearing or rehearing en banc will be entertained. [12646612] (AKM) [Entered: 02/06/2023 09:17 AM]
02/06/2023	☐ 257 1 pg, 91.23 KB	Filed clerk order: The amicus brief [246] submitted by NDRN is filed. No paper copies are required at this time. [12646822] (JMR) [Entered: 02/06/2023 11:02 AM]
02/06/2023	☐ 258 1 pg, 89.3 KB	Filed clerk order: The amicus brief [247] submitted by National Association for Public Defense is filed. No paper copies are required at this time. [12646825] (JMR) [Entered: 02/06/2023 11:05 AM]
04/11/2023	☐ 259 45 pg, 256.41 KB	Entry to correct link to web for [256] [12693764] (AKM) [Entered: 04/11/2023 04:07 PM]
04/25/2023	☐ 260 2 pg, 17.99 KB	Received letter from the Supreme Court dated 04/19/2023: The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Kagan, who on April 19, 2023, extended the time to and including July 6, 2023. [12702639] (HH) [Entered: 04/25/2023 02:24 PM]
07/06/2023	☐ 261 1 pg, 55.02 KB	Supreme Court Case Info Case number: 23-5039 Filed on: 06/30/2023 Cert Petition Action 1: Pending [12749676] (RL) [Entered: 07/06/2023 11:22 AM]
10/10/2023	☐ 262 7 pg, 1.36 MB	Filed (ECF) Appellee Tim Richardson Motion for miscellaneous relief [Notice of Denial of Petition for Writ of Certiorari and Request for Immediate Issuance of Mandate]. Date of service: 10/10/2023. [12806879] [10-99015] (Anderson, L.) [Entered: 10/10/2023 09:41 AM]
10/10/2023	☐ 263 2 pg, 153.42 KB	Supreme Court Case Info Case number: 23-5039 Filed on: 06/30/2023 Cert Petition Action 1: Denied, 10/10/2023 MANDATE ISSUED. [12807490] (RL) [Entered: 10/10/2023 03:27 PM]

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