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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN GONZALES JOSEPH,

Petitioner,

No. CIV S-11-0260 JAM GGH P

vs.

GARY SWARTHOUT,

ORDER

Respondents.

_____ /

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Findings and Recommendations, filed on February 7, 2011, this court recommended dismissal of two of the three claims petitioner presented in the instant challenge to a January 2010 denial of parole by the California Board of Parole Hearings.

Petitioner requests appointment of counsel, specifically Keith Wattley of UnCommon Law, averring that the issues are complex, especially the due process claim involving the alleged bias of the adjudicator. Request, filed on Feb. 19, 2011. The claim upon which petitioner most relies to support his request is the one for which this court did not recommend dismissal at the screening stage.

The court has determined that the interests of justice require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); see also Weygandt v. Look, 718 F.2d 952, 954 (9th

1 Cir. 1983).

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Petitioner's February 19, 2011 (docket # 7) request for the appointment of
4 counsel is granted and the Federal Defender is appointed to represent petitioner;

5 2. The Federal Defender may substitute Keith Wattley of the law firm
6 UnCommon Law, as petitioner's counsel, particularly as he is petitioner's choice for counsel;

7 3. Once counsel has been appointed, petitioner will have an additional twenty-
8 eight days to file objections to the February 7, 2011 (docket # 5), Findings and
9 Recommendations.

10 4. The Clerk of the Court is directed to serve a copy of this order, a copy of the
11 petition, and a copy of the Findings and Recommendations at docket # 5, on David Porter,
12 Assistant Federal Defender.

13 5. The Clerk of the Court shall serve a copy of this order, *the*
14 *consent/reassignment form contemplated by Appendix A(k) to the Local Rules of this court*, a
15 copy of the Findings and Recommendations at docket # 5 and a copy of the petition for writ of
16 habeas corpus pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell, Senior Assistant
17 Attorney General.

18 DATED: February 24, 2011

19 /s/ Gregory G. Hollows

20 UNITED STATES MAGISTRATE JUDGE

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23 jose0260.ord
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