

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ANTONIO SANCHEZ FRANKLIN,

Petitioner, :

Case No. 3:04-cv-187

- vs -

Magistrate Judge Michael R. Merz

NORMAN ROBINSON, Warden,

Respondent. :

**DECISION AND ORDER DEEMING MOTION TO DISCHARGE
COUNSEL WITHDRAWN AND SETTING MOTION SCHEDULE**

This capital habeas corpus case came on for status conference by telephone at 9:30 a.m. on September 26, 2013. Adele Shank and James Fleisher represented the Petitioner and Brenda Leikala represented the Respondent.

After further discussion with their client, Petitioner's counsel report that he is willing to have them continue as counsel in the case under the condition that they will file a motion for relief from or to modify the judgment and he will be permitted to file *pro se* his own motion for relief from judgment. That condition is acceptable to the Court. The Motion to Discharge Counsel (Doc; No. 152) is therefore deemed WITHDRAWN. Any and all motions for relief from judgment in this case shall be filed not later than October 31, 2013. The Warden's response is prima facie due twenty-four days thereafter, subject to extension on good cause shown.

Petitioner's counsel may give him legal advice with respect to his reply to the Warden's response. His request, made orally through counsel during the conference, for appointment of

separate counsel to assist with the reply is DENIED.

September 26, 2013.

s/ *Michael R. Merz*
United States Magistrate Judge