

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

ANTIOCO CABRERA-GERONIMO,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 1:10cv674-MHT
	)	(WO)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

After review of the pleadings and record in this case, the court has determined that, pursuant to Rule 8, *Rules Governing Section 2255 Proceedings for the United States District Court*, an evidentiary hearing is required for resolution of the petitioner’s claim that his counsel rendered ineffective assistance by failing to file a direct appeal on his behalf after he requested that counsel do so.

The court finds that the petitioner, who is currently incarcerated, is eligible for the appointment of counsel under the Criminal Justice Act, 18 U.S.C. § 3006A. Accordingly, it is

ORDERED as follows:

1. Pursuant to CJA 20, Thomas Brantley, a CJA panel attorney, is hereby appointed to represent the petitioner at an evidentiary hearing regarding the issue specified above.
2. Pursuant to this appointment and limited purpose, counsel shall

proceed to confer with the petitioner and otherwise make an appropriate investigation concerning this issue.

3. A pretrial telephone conference with counsel for the petitioner and counsel for the United States is scheduled for **August 15, 2012, at 9:30 a.m.** Counsel for the United States shall make the necessary arrangements to set up the conference call.
4. An evidentiary hearing is scheduled for **August 23, 2012, at 10:00 a.m.**, in courtroom 5-B, Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.
5. The petitioner shall be brought to this district not less than a week in advance of the scheduled evidentiary hearing in order to facilitate communications with appointed counsel in preparation for the hearing.
6. The Clerk is DIRECTED to make arrangements for the assistance of a Spanish Language court interpreter at the August 23, 2012, evidentiary hearing.
7. Counsel for the petitioner and counsel for the United States shall exchange, and file with the court, lists of witnesses and exhibits not later than **August 20, 2012.** All exhibits shall be

pre-marked using the same numbers indicated on the exhibit lists, and each party shall deliver to the courtroom deputy prior to commencement of the hearing the original, pre-marked exhibits along with a copy of the exhibits for use by the court.

8. The Clerk is DIRECTED to serve this order upon counsel for the petitioner and to make the case file available as reasonably requested.

DONE, this 18<sup>th</sup> day of July, 2012.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
CHIEF UNITED STATES MAGISTRATE JUDGE