

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

BRADLEY STEPHEN HEDGES,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 2:09cv1000-WKW
	)	(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 necessary to resolve Bradley Stephen Hedges’s claim in his 28 U.S.C. § 2255 motion that his trial counsel, Raymond James Hawthorne, rendered ineffective assistance of by failing to file a direct appeal on his behalf after he requested that counsel do so.

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

ORDERED as follows:

1. The Federal Defender for the Middle District of Alabama is hereby appointed to represent Hedges on the issue set for an evidentiary hearing.
2. Pursuant to this appointment and limited purpose, counsel shall proceed to confer with Hedges and otherwise make an

appropriate investigation concerning the issue set for an evidentiary hearing.

3. An evidentiary hearing is scheduled for **January 31, 2012, at 10:00 a.m.** in courtroom 5-A, Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama. The Clerk is DIRECTED to provide a court reporter for this proceeding.
4. Counsel for Hedges and counsel for the United States shall exchange, and file with the court, lists of witnesses and exhibits not later than **January 24, 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.
5. The Clerk is DIRECTED to serve this order upon the Federal Defender for the Middle District of Alabama and to make the case file available as reasonably requested.

Done this 11<sup>th</sup> day of January, 2012.

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/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE