

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

GREGORY LEWIS DAVIS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 2:11cv760-MEF
	)	(WO)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

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 petitioner Gregory Lewis Davis’s claim in his § 2255 motion that his counsel rendered ineffective assistance by failing to file a direct appeal on his behalf after he requested that counsel do so.<sup>1</sup> The court finds that Davis, 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, panel attorney LaConya D. Murray is hereby appointed to represent Davis at an evidentiary hearing regarding the issue specified above.
2. Pursuant to this appointment and limited purpose, counsel shall

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<sup>1</sup> The pleadings in this case present a disputed issue of material fact as to whether Davis asked his counsel to file an appeal.

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

3. An evidentiary hearing regarding the issue specified above is scheduled for **September 25, 2013, at 9:00 a.m.** in courtroom 4-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. Davis 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.
5. Counsel for Davis and counsel for the United States shall exchange, and file with the court, lists of witnesses and exhibits not later than September 20, 2013. 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.
6. The Clerk is **DIRECTED** to serve this order upon LaConya D. Murray (counsel for Davis) and to make the case file available to Ms. Davis as reasonably requested.

Done this 26<sup>th</sup> day of August, 2013.

/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE