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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Richard Farrall, Jr.,

Petitioner,

vs.

Dora Schriro, et al.,

Respondents.

No. CV 04-0260-PHX-EHC (BPV)

ORDER

On October 26, 2010, the Court issued an Order Adopting the Report and Recommendation of the Magistrate Judge (Doc. 106) and Judgement was entered (Doc. 107). On November 8, 2010, Petitioner filed a Notice of Appeal to the Ninth Circuit, Case Number 10-17539 (Doc 108). On November 9, 2010, Petitioner's counsel filed a Motion to Withdraw (Doc 110).

Pursuant to Federal Rule of Criminal Procedure § 3006A(a)(2)(B), representation may be provided for any financially eligible person who is seeking relief under 18 U.S.C. § 2254. Pursuant to Federal Rule of Criminal Procedure § 3006(A)(b) a person for whom counsel has been appointed "shall be represented at every stage of the proceedings from his initial appearance . . . through appeal. . . . [T]he court may, in the interests of justice, substitute one appointed counsel for another at any stage in the proceeding."

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Accordingly,

IT IS ORDERED that Petitioner's Counsel's Motion to Withdraw (Doc. 110) is **denied without prejudice** to refile in the Ninth Circuit.

DATED this 7th day of December, 2010.



Earl H. Carroll
United States District Judge