

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Send

CIVIL MINUTES--GENERAL

Case No. SACV 06-125-PSG (RNB)

Date: May 17, 2007

Title: Kevin Lamont Jackson v. D.L. Runnels, Warden

DOCKET ENTRY

PRESENT:

HON. ROBERT N. BLOCK, UNITED STATES MAGISTRATE JUDGE

Trina DeBose
Deputy Clerk

n/a
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None present

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

PROCEEDINGS: (IN CHAMBERS)

The Clerk is directed to serve copies of petitioner's "Motion of Actual Innocence" on both counsel for respondent and appointed counsel for petitioner. Within 30 days of the service date of this Minute Order, appointed counsel is ORDERED to consult in person with petitioner regarding his complaints about appointed counsel's representation and his desire to represent himself, and to then file with the Court within 10 days of such consultation a report under seal that, without violating the attorney-client privilege or any other ethical constraints, contains appointed counsel's recommendation as to how the Court should now proceed. For purposes of their consultation, petitioner and appointed counsel are advised that the Court would not be averse to (a) having current appointed counsel continue to represent petitioner for the limited purpose of the evidentiary hearing on petitioner's equitable tolling claim, and then relieving current appointed counsel from the representation after the evidentiary hearing, and (b) if the Court then concludes that petitioner has not met his burden with respect to the equitable tolling issue, considering at that time whether petitioner's actual innocence claim (which so far is based only on an unsigned declaration to which the Court is unable to attach any significance) warrants an evidentiary hearing, further development of the record, and/or the appointment of other counsel.

MINUTES FORM 11
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Initials of Deputy Clerk

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