

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-02938 CJC (RZ)	Date	July 19, 2013
Title	JULIO REMBERTO MIXCO v. DOMINGO URIBE, JR., WARDEN		

Present: The Honorable	RALPH ZAREFSKY, U.S. MAGISTRATE JUDGE		
	Ilene Bernal		N/A
	Deputy Clerk		Court Reporter / Recorder
	Attorney Present for Petitioner:		Attorney Present for Respondent:
	N/A		N/A

Proceedings: In Chambers –
ORDER TO SHOW CAUSE

Petitioner commenced this habeas action *pro se* in this Court in 2011. He presented his arguments with reasonable clarity in his petition and in various motions, including a motion for an extension of time to oppose a dismissal motion, a motion for appointment of counsel and a motion for stay and abeyance. The Court denied the appointment-of-counsel motion without prejudice on August 3, 2011 before the action was dismissed as “mixed” on October 13, 2011. Petitioner appealed.

The Ninth Circuit granted a certificate of appealability on November 27, 2012. On January 11, 2013, Petitioner filed a ten-page motion for appointment of counsel in the Court of Appeals largely repeating the arguments he asserted in his eight-page motion in this Court. (Among these arguments were that he may have additional unexhausted claims – and wanted counsel’s assistance in identifying and litigating them.) Four days later, an appellate commissioner granted that motion, stating, “Appellant’s motion for appointment of counsel *in this appeal* from the denial of a 28 U.S.C. § 2254 petition for writ of habeas corpus is granted.” (Emphasis added.) A Federal Public Defender (FPD) attorney was soon appointed. On June 20, the Court of Appeals granted the parties’ joint motion to remand the action to this Court. On July 3, the parties filed a stipulation regarding a briefing schedule, with the FPD attorney continuing to represent Petitioner.

Within 14 days, Petitioner shall file a memorandum indicating whether appointment of counsel on appeal constitutes an appointment of counsel in the District Court for post-remand purposes, or whether there is any other basis upon which the FPD represents Petitioner in this matter before this Court.

Respondent may, if he so chooses, submit a memorandum on this issue within the same time frame.

IT IS SO ORDERED.

Initials of Preparer _____ : _____
igb