## UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

## **CIVIL MINUTES - GENERAL**

Present: The Honorable    RALPH ZAREFSKY, U.S. MAGISTRATE JUDGE	Case No.	CV 11-02938 CJC (RZ)			Date	July 19, 2013	
Ilene Bernal  Deputy Clerk  Court Reporter / Recorder  Attorney Present for Petitioner:  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 June 20, the Court of Appeals granted the parties' joint motion to remand the action to this Court. On June 21, the Court of Appeals granted the parties' point motion to remand the action to this Court. On June 20, the Court of Appeals granted 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 whic	Title	JULIO REMBERTO MIXCO v. DOMINGO URIBE, JR., WARDEN					
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