

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAYVAUGHN ROYCE EMBRY,

1:04-CV-06101 AWI JMD HC

Petitioner,

ORDER APPOINTMENT OFFICE OF
FEDERAL DEFENDER

v.

G J GUIRBINO,

Respondent.

Petitioner is a state prisoner, appealing the Court’s denial of his petition for writ of habeas corpus.

On August 31, 2010, the United States Court of Appeals for the Ninth Circuit *sua sponte* appointed counsel for Petitioner in this matter. The Court of Appeals’ order directed this Court to appoint counsel and send notification of counsel to the Court of Appeals within fourteen (14) days of locating counsel. Pursuant to 18 U.S.C. § 3006A(a)(2)(B), a Magistrate Judge may appoint counsel at any stage of a habeas corpus proceeding if the interests of justice so require and Petitioner is financially eligible. Accordingly, the Court appoints the Office of the Federal Defender to represent Petitioner on appeal.

IT IS HEREBY ORDERED that:

1. The Federal Defender is appointed to represent Petitioner;
2. The Clerk of Court is directed to serve a copy of this Order and the Ninth Circuit’s August 31, 2010, order, (Court Doc. 31) on the Office of the Federal

1 Defender;

2 3. Once appointed, Petitioner’s counsel shall contact the Clerk’s Office to make
3 arrangements for copies of other documents in the file;¹ and

4 4. Within fourteen days of counsel’s appointment, the Clerk’s Office shall email the
5 Ninth Circuit at counselappointment@ca9.uscourts.gov with the name, address,
6 and telephone number of appointed counsel.

7
8 IT IS SO ORDERED.

9 **Dated:** September 2, 2010

/s/ John M. Dixon
UNITED STATES MAGISTRATE JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹The habeas petition is maintained on paper and has been transmitted to the Ninth Circuit; thus, counsel shall contact the Ninth Circuit for a copy of that document.