

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

APR 18 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RICHARD VIEIRA,

Petitioner,

v.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
CALIFORNIA,

Respondent,

MICHAEL MARTEL,

Real Party in Interest.

No. 11-72505

D.C. No. 1:05-cv-1492-OWW
Eastern District of California
Fresno

ORDER

Before: LEAVY, PAEZ, and BEA, Circuit Judges

We construe Petitioner’s pro se All Writs Act/ § 2241/ Writ of Mandamus Petition as a petition for a writ of mandamus to compel the district court to:

(a) excuse any state procedural defaults based upon the alleged suspension of the writ and delays by the state courts or the alleged ineffective assistance of state post-conviction counsel; and (b) remove one of Petitioner’s federal habeas attorneys based upon an alleged conflict of interest. The district court on February 21, 2012 appointed independent counsel to consult with Petitioner. The petition for the extraordinary writ of mandamus is denied. *See Bauman v. United States District Court*, 557 F.2d 650, 654-55 (9th Cir. 1977).

All pending motions are denied. The Clerk’s Office shall close this case.