

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

13 COLIN RAKER DICKEY, ) Case No. 1:06-CV-357-AWI-P  
14 Petitioner, )  
15 vs. )  
16 MICHAEL MARTEL\*, Acting Warden ) DEATH PENALTY CASE  
of San Quentin State Prison, )  
17 Respondent. ) Order Granting Request by  
18 \_\_\_\_\_ ) Petitioner's Counsel to be Relieved  
 ) and Referring Case to Selection  
 ) Board  
 )

20 Petitioner Colin Raker Dickey ("Dickey") filed his federal petition October  
21 4, 2007. Dickey's federal petition was determined to contain unexhausted claims.  
22 Respondent Michael Martel's motion to dismiss for lack of exhaustion was  
23 denied, and Dickey's motion for stay and abeyance was granted May 21, 2008.  
24 Dickey's second state habeas petition, filed July 21, 2008, is currently pending

<sup>25</sup> \* Michael Martel is substituted for his predecessor as Warden of San Quentin State  
26 Prison, pursuant to Federal Rule of Civil Procedure 25(d).

1 before the California Supreme Court.

2 Lead counsel for Dickey, Kerry R. Bensinger, filed notice January 17, 2012,  
3 that he was appointed to be a Los Angeles County Superior Court Judge about  
4 December 22, 2011, and as such can no longer act as counsel of record for Dickey  
5 and seeks to be relieved.

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7 Good Cause Having Been Shown,

8 Kerry R. Bensinger is relieved as counsel of record for Petitioner Colin  
9 Raker Dickey.

10 This matter is referred to the Selection Board of the Eastern District of  
11 California to recommend new lead counsel to represent Dickey.

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13 IT IS SO ORDERED.

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15 DATED: January 23, 2012

16 /s/ Anthony W. Ishii

17 Chief United States District Judge

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