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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
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13 COLIN RAKER DICKY,) Case No. 1:06-CV-357-AWI-P
14)
14) Petitioner,)
15) DEATH PENALTY CASE
15) vs.)
16) Order Granting Request by
16 KEVIN CHAPPELL*, Acting Warden) Petitioner's Second Counsel to be
16 of San Quentin State Prison,) Relieved and Referring Case to
17) Selection Board
17)
18 Respondent.)
18 _____)

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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 Kevin Chappell'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 During the pendency of Dickey's second state habeas petition, filed July 21, 2008,

25 _____
26 * Kevin Chappell is substituted for his predecessor as Warden of San Quentin State
Prison, pursuant to Federal Rule of Civil Procedure 25(d).

1 lead counsel for Dickey, Kerry R. Bensinger, filed notice that he was appointed
2 to be a Los Angeles County Superior Court Judge about December 22, 2011. Mr.
3 Bensinger was relieved as counsel of record January 23, 2012. Dickey's second
4 state habeas petition was summarily denied by the California Supreme Court
5 May 23, 2012.

6 Second Counsel Elizabeth Piliavin-Godwin filed notice May 31, 2012, that
7 she accepted employment with the United States District Court for the Central
8 District of California, that she can no longer act as counsel for Dickey, and that
9 she seeks to be relieved as counsel of record.

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11 Good Cause Having Been Shown,

12 Elizabeth Piliavin-Godwin is relieved as counsel of record for Petitioner
13 Colin Raker Dickey.

14 This matter is referred to the Selection Board of the Eastern District of
15 California for recommendation of new second counsel, as well as new lead
16 counsel, to represent Dickey.

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18 IT IS SO ORDERED.

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20 DATED: June 1, 2012

21 /s/ Anthony W. Ishii

22 Chief United States District Judge
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