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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

COLIN RAKER DICKEY,	)	Case No. 1:06-CV-357-AWI-P
	)	
Petitioner,	)	
	)	<u>DEATH PENALTY CASE</u>
vs.	)	
	)	
KEVIN CHAPPELL, Acting Warden	)	Order Appointing Replacement
of San Quentin State Prison,	)	Counsel to Represent Petitioner
	)	
Respondent.	)	

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Petitioner Colin Raker Dickey ("Dickey") filed his federal petition October 4, 2007. Dickey's federal petition was determined to contain unexhausted claims. Respondent's motion to dismiss for lack of exhaustion was denied, and Dickey's motion for stay and abeyance was granted May 21, 2008. During the pendency of Dickey's second state habeas petition, filed July 21, 2008, lead counsel for Dickey, Kerry R. Bensinger, filed notice that he was appointed to be a Los Angeles County Superior Court Judge about December 22, 2011. Mr. Bensinger was

1 relieved as counsel of record January 23, 2012.

2 Dickey's second state habeas petition was summarily denied by the  
3 California Supreme Court May 23, 2012. Second Counsel Elizabeth Piliavin-  
4 Godwin filed notice May 31, 2012, that she accepted employment with the United  
5 States District Court for the Central District of California, and was relieved as  
6 counsel of record June 1, 2012.

7 The Selection Board for the Eastern District of California has recommended  
8 the appointment of David Senior, McBreen & Senior, 1900 Avenue of the Stars,  
9 11th Floor, Los Angeles, California, 90067, (310) 552-5300, to represent Dickey.

10 The Guide to Case Management and Budgeting in Capital Habeas Cases,  
11 Eastern District of California, Fresno Division (hereafter the "Attorney Guide")  
12 provides an overview of the process for capital habeas corpus cases in this Court.  
13 Upon receipt of this order, Mr. Senior shall familiarize himself with Local Rule  
14 191 of the United States District Court for the Eastern District of California, and  
15 with the Attorney Guide, both of which are posted on the Court's website.<sup>1</sup>

16 A telephonic Case Management and Budgeting Conference ("CMC") shall  
17 be set by counsel for Dickey and held within 30 days of the date of this order.  
18 Counsel shall be prepared to discuss the status of receipt of the record and files  
19 from prior counsel, and the necessary schedule for the next phase of litigation in  
20 this case.

21 Mr. Senior shall complete and submit a Rate Justification Worksheet  
22 (Appendix A to the Attorney Guide), with an application to establish a rate of  
23 reimbursement. See Attorney Guide, ¶ 8. This document may be submitted to  
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25 <sup>1</sup> The Local Rules are posted on the Court's website under their own tab, and  
26 the Attorney Guide is posted under Attorney Info, Fresno, Forms, CJA. The Four  
Phase version will be applicable to this case.

1 the Court confidentially, and shall be filed at least seven days prior to the date of  
2 the Case Management Conference.

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4 Good Cause Having Been Shown,

5 David Senior is appointed as counsel of record for Petitioner Colin Raker  
6 Dickey.

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8 IT IS SO ORDERED.

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10 DATED: June 12, 2012

11 /s/ Anthony W. Ishii

12 Chief United States District Judge  
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