

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

MICHAEL MALONE,

1:07-cv-00743 AWI SMS HC

Petitioner,

Court of Appeals Case No. 10-16612

v.

ORDER APPOINTING CHARLES BONNEAU,  
ESQ. AS COUNSEL ON APPEAL AND  
DIRECTING CLERK OF COURT TO SERVE  
COPY OF ORDER ON NINTH CIRCUIT  
COURT OF APPEALS

TOM FELKER,

Respondent.

\_\_\_\_\_ /

On July 19, 2010, the instant petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 was denied on the merits and judgment was entered in favor of Respondent. In that order, the Court issued a partial certificate of appealability “on the claims concerning the prosecution’s failure to provide the defense with evidence about Mr. Allen’s phone message.”

Petitioner filed a timely notice of appeal on July 26, 2010, in case number 10-16612. On October 15, 2010, this Court was served with an electronic order directing the appointment of counsel on appeal. The Court stated “[t]he appointing authority may wish to consider that retained trial counsel [Charles] Bonneau is familiar with the record and issues, and is willing to serve as appointed counsel on appeal.”

In the interests of justice, the Court hereby appoints Charles Bonneau, Esq. as counsel of record on appeal. 18 U.S.C. § 3006A(a)(2)(B).

///

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. Charles Bonneau, Esq. is appointed as counsel on appeal; and  
3 2. The Clerk of Court is directed to serve a copy of this order on the Ninth Circuit  
4 Court of Appeals at [counselappointments@ca9.uscourts.gov](mailto:counselappointments@ca9.uscourts.gov).

5  
6 IT IS SO ORDERED.

7 Dated: November 13, 2010

8   
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
CHIEF UNITED STATES DISTRICT JUDGE