

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

STACEY DANIELLA DYER,

1:09-cv-00150-OWW-SMS (HC)

Petitioner,

ORDER APPOINTING OFFICE OF FEDERAL DEFENDER, DIRECTING COUNSEL TO FILE NOTICE OF APPEARANCE WITHIN FOURTEEN DAYS, AND DIRECTING CLERK OF COURT TO SERVE DOCUMENTS

v.

TINA HORNBECK,

Respondent.

Petitioner is a state prisoner, appealing the Court’s denial of his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254.

On July 18, 2011, the United States Court of Appeals for the Ninth Circuit granted Petitioner’s request for a Certificate of Appealability on the issues: “whether the trial court violated appellant’s constitutional right against self-incrimination and right to counsel by denying the motion to suppress appellant’s statements to police. . . .” (ECF No. 45.) The order directed this Court to appoint counsel and send notification of counsel to the Court of Appeals within fourteen (14) days of locating counsel. Pursuant to 18 U.S.C. § 2006(a)(2)(B), the Court may appoint counsel at any stage of a habeas corpus proceedings if the interests of justice so require and Petitioner is financially eligible. Accordingly, the Court appoints the Officer of the Federal Defender to represent Petitioner on appeal.

1 IT IS HEREBY ORDERED that:

- 2 1. The Office of the Federal Defender is appointed to represent Petitioner on appeal;
- 3 2. The Clerk of Court is directed to serve a copy of this Order and the Ninth Circuit
- 4 Court of Appeals' July 18, 2011, order (ECF No. 45) on the Office of the Federal
- 5 Defender;
- 6 3. Appointed counsel shall file a notice of appearance with this Court within
- 7 fourteen (14) days from the date of service of this order and counsel shall contact
- 8 the Clerk's Office to make arrangements for copies of any relevant documents;
- 9 and
- 10 4. Within fourteen (14) days after counsel files a notice of appearance, the Clerk's
- 11 Office shall email the Ninth Circuit at counselappointment@ca9.uscourts.gov
- 12 with the name, address, and telephone number of appointed counsel. IT IS SO
- 13 ORDERED.

14 **Dated: July 22, 2011**

15 **/s/ Oliver W. Wanger**

16 **UNITED STATES DISTRICT JUDGE**

17

18

19

20

21

22

23

24

25

26

27

28