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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHN MICHAEL BEAMES, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 VINCENT CULLEN, Acting Warden of )  
 California State Prison at San Quentin, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Case No. 1:10-cv-01429-AWI  
**DEATH PENALTY CASE**  
**NO EXECUTION DATE SET**  
Order Temporarily Granting Stay of Execution, Granting *In Forma Pauperis* Motion, and Referring Case to Selection Board for Recommendation of Counsel

Petitioner John Michael Beames (“Beames”) is a state prisoner facing capital punishment, proceeding *pro se* pursuant to 28 U.S.C. § 2254. On August 9, 2010, Beames filed applications for a stay of execution pursuant to Local Rule 81-191(h)(3), for leave to proceed *in forma pauperis*, and for appointment of counsel. Beames has filed a supporting declaration with his request for *in forma pauperis* status, asserting he is indigent and has only minimal assets, and certificate from an officer of the prison stating the amount of money or securities Beames has on deposit at the prison.

Each document filed in this case shall be specially marked as follows to facilitate processing: Directly below the case number in the caption of each document, provide the following label: “DEATH PENALTY CASE” in capital letters and underscored.

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1 Good cause appearing:

2 1. Beames' request to proceed *in forma pauperis* granted;

3 2. Beames' application for appointment of counsel under 18 U.S.C. § 3359(a)(2)  
4 is granted and the matter is referred to the Federal Defender and the Eastern District  
5 Selection Board for either notification that the Federal Defender, Capital Habeas Unit, is  
6 available for appointment, or for the recommendation by the Selection Board of other  
7 counsel to represent Beames in these proceedings;

8 3. Beames' request for stay of execution is temporarily granted, and all court and  
9 other proceedings related to the execution of his sentence of death, including preparation  
10 for execution and the setting of an execution date, are stayed until ninety days after counsel  
11 is appointed pursuant to 28 U.S.C. § 2251(a)(3).

12  
13 IT IS SO ORDERED.

14  
15 DATED: August 10, 2010

16 /s/ Anthony W. Ishii  
17 Chief United States District Judge  
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