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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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| CLIFTON PERRY, |) | Case No. 1:11-cv-01367 AWI |
| |) | |
| Petitioner, |) | <u>DEATH PENALTY CASE</u> |
| vs. |) | |
| |) | ORDER APPOINTING COUNSEL AND |
| MICHAEL MARTEL, as Acting Warden of |) | INITIATING CASE MANAGEMENT |
| California State Prison at San Quentin, |) | PROCEDURES |
| |) | |
| Respondent. |) | |
| <hr style="width: 40%; margin-left: 0;"/> |) | |

This matter is before the Court on the request of Petitioner Clifton Perry (“Perry”) for appointment of counsel and the ensuing recommendation of the Selection Board for the Eastern District of California regarding his request. The Court’s decision as to the appointment of counsel is informed by the September 19, 2011 letter from the Selection Board over the signature of Assistant Federal Defender Joseph Schlesinger.

The Selection Board has recommended representation of Perry by D. Jay Ritt, of Bensinger, Ritt, Tai & Thvedt, and Verna J. Wefald. The Court adopts this recommendation

Counsel for the parties (including for Respondent Michael Martel, as Acting Warden of San Quentin State Prison) shall familiarize themselves with Local Rule 191 of the United States District Court for the Eastern District of California and the Fresno Attorney Guide to Case Management and Budgeting in Capital Habeas Cases (hereafter the “Attorney Guide”), both of which are posted on the Court’s web-page. Both parties are asked to complete the Confidential Case Evaluation Form (Appendix B to the Attorney Guide). See Attorney Guide, ¶49. The Court will maintain each

1 Confidential Case Evaluation Form under seal, unless the party filing the Form elects to file it publicly.

2 The Case Evaluation Forms shall be filed by October 13, 2011.

3 Mr. Ritt and Ms. Wefald each are directed to submit a rate justification worksheet (Appendix
4 A to the Attorney Guide) and jointly prepare a case management plan and budget for Phase I of the
5 litigation. The proposed case management plan and budget shall be supported by properly subscribed
6 declarations. *See* Attorney Guide, ¶ 14. The Phase I case management plan and budget shall be filed
7 under seal by no later than 4:00 p.m. on October 27, 2011.

8 The Court will conduct a telephonic case management and budget conference at 9:00 a.m. on
9 November 3, 2011 with counsel for Perry initiating the call. All counsel shall participate in the case
10 management portion of the call. Counsel shall be prepared to discuss the statute of limitations, a
11 timetable for the filing of the petition, and a protective petition, if necessary, the time necessary to
12 assemble the record, and a date for the Warden to lodge the state record. Counsel for the Warden will
13 then be excused so that confidential matters pertaining to a proposed budget for Phase I can be resolved.

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15 IT IS SO ORDERED.

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17 Dated: October 3, 2011

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/s/ Anthony W. Ishii
Anthony W. Ishii
United States District Judge

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