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6 UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8 JESUS CIANEZ HERNANDEZ,

1:12-cv-01661-MJS (HC)

9 Petitioner,

10 v.

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

11 GREG LEWIS,

12 Respondent.  
13 \_\_\_\_\_/14  
15 Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus  
16 pursuant to 28 U.S.C. § 2254. He proceeds *pro se*.17 Petitioner filed the instant petition on September 10, 2012. (ECF No. 1.) Petitioner  
18 was convicted of first degree murder and conspiracy to commit murder with various  
19 enhancements on January 11, 1991. (*Id.*) Petitioner was sentenced to death on March 21,  
20 1991. (*Id.*) On June 2, 2003, the California Supreme Court reversed Petitioner's death  
21 sentence and remanded the matter to Stanislaus County Superior Court. (ECF No. 3.)  
22 Petitioner was ultimately sentenced to life without the possibility of parole on August 24,  
23 2006. (*Id.*)24 During the state appeal process, Petitioner was provided additional discovery, and  
25 on May 9, 2007, the California Supreme Court issued an order to show cause and  
26 transferred the case to the Superior Court to hold an evidentiary hearing regarding alleged  
27 exculpatory evidence. An evidentiary hearing was held and Petitioner's claims were denied  
28 by the Superior Court, California Court of Appeals and California Supreme Court.

1 The present petition is legally and factually complex and consists of an extensive  
2 state record on appeal. Pursuant to 18 U.S.C. § 3006A(a)(2)(B), the Court may appoint  
3 counsel at any stage of a habeas corpus proceedings if the interests of justice so require  
4 and Petitioner is financially eligible. Accordingly, for good cause shown, the Court appoints  
5 the Office of the Federal Defender to represent Petitioner.

6 IT IS HEREBY ORDERED that:

- 7 1. The Office of the Federal Defender is appointed to represent Petitioner;
- 8 2. The Clerk of Court is directed to serve a copy of this Order on Assistant  
9 Federal Defender David Porter at the Office of the Federal Defender;
- 10 3. Appointed counsel shall file a notice of appearance with this Court within  
11 fourteen (14) days from the date of service of this order and counsel shall  
12 contact the Clerk's Office to make arrangements for copies of any relevant  
13 documents.

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15 IT IS SO ORDERED.

16 Dated: November 10, 2012

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE