GARY DALE HINES,

Petitioner,

v.

DEATH PENALTY CASE

MICHAEL MARTEL, Warden of San Quentin State Prison,

Respondent.

Petitioner is a prisoner on California's Death Row seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He is currently represented by attorneys Mary Louise Frampton and Scott W. Williams. On September 26, 2018, Ms. Frampton filed a motion to withdraw as attorney for petitioner. ECF No. 346. She states that the responsibilities associated with her position – accepted in January of 2017 – as a professor at King Hall School of Law, University of California, Davis are beyond those contemplated by a normal, full-time position. *Id.* at 2. Those responsibilities include teaching and directorship of the Aoki Center for Critical Race and Nation Studies. *Id.* As a consequence, she can no longer devote adequate time to these capital habeas proceedings.

Ms. Frampton states that petitioner has been notified of her intent to withdraw. *Id.* Mr. Williams remains petitioner's counsel. *Id.* Finally, potential replacement counsel has been

identified by the Federal Public Defender of the Eastern District of California. *Id.* Ms. Frampton asks that the court refer this matter to the Selection Board for recommendation of replacement counsel. Id. Good cause being shown, it is HEREBY ORDERED that: 1. The motion to withdraw (ECF No. 346) is GRANTED; 2. This matter is referred to the Selection Board for the United States District Court for the Eastern District of California to recommend qualified replacement counsel for appointment by this court; and 3. The Clerk of Court is directed to serve a copy of this order on: (1) Kurt Heiser, CJA Administrator, Office of the Federal Defender; and (2) Kelly Culshaw, Capital Habeas Unit, Office of the Federal Defender. DATED: October 18, 2018. EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE