UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PEDRO MENDOZA, Petitioner, v. JOE LIZARRAGA, Respondent.	No. 2:98-cv-2150 MCE GGH P ORDER

This habeas matter, in which petitioner proceeded with appointed counsel, was stayed pending exhaustion on May 8, 2000. (ECF No. 29.) It has now been stayed for more than fourteen years. On November 4, 2014, respondent filed a motion to lift the stay and dismiss the case. (ECF No. 34.) On November 21, 2014, the undersigned lifted the stay and ordered petitioner's counsel, Denise Kendall, to file a response to the motion to dismiss. Petitioner's counsel has filed a response, and a request that new counsel be appointed in order to respond to the motion to dismiss, in light of her conflict of interest. (ECF No. 36.) In light of the information provided, the Federal Defender is ordered to either accept appointment of counsel or designate for appointment new counsel to represent petitioner.

Accordingly, IT IS ORDERED that:

1. Petitioner's request to appoint new counsel is granted, (ECF No. 36), and the Federal Defender is ordered to either accept appointment as counsel for petitioner or designate for appointment new counsel to represent petitioner within **seven** days of this order;

2. Newly appointed counsel for petitioner shall file a response to respondent's motion to dismiss within **twenty-one** days of this order;

3. The Clerk of the Court shall serve this order on Carolyn Wiggin, Assistant Federal Defender; and

4. The Clerk of the Court shall also serve petitioner at his most recent address, at Mule Creek State Prison.

Dated: January 7, 2015

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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