

**OFFICE OF THE FEDERAL DEFENDER
EASTERN DISTRICT OF CALIFORNIA
801 I STREET, 3rd FLOOR
SACRAMENTO, CALIFORNIA 95814
(916) 498-5700 Fax: (916) 498-5710**

*Daniel J. Broderick
Federal Defender*

*Linda Harter
Chief Assistant Defender*

April 13, 2009

Karen Landau
Attorney at Law
2626 Harrison St.
Oakland, CA 94612

FILED

APR 14 2009

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

Re: **Gary Easley v. State of California**
CIV.S-09-0629 WBS GGH

Dear Ms. Landau:

This will confirm your appointment as counsel by the Honorable Gregory G. Hollows, U.S. Magistrate Judge, to represent the above-named Petitioner. You are attorney of record until such time as you are relieved or other action is taken to appoint a different attorney.

Enclosed is CJA 20 form, your Order of Appointment and Voucher for services rendered. Also enclosed is an instruction sheet discussing the use of the forms.

If we may be of any further assistance regarding the processing of the enclosed form, preparation of form CJA 21 for expert services, or in reference to any other matter pertaining to this case, please feel free to call upon us at any time.

(HC) Easley v. California State

Doc. 32

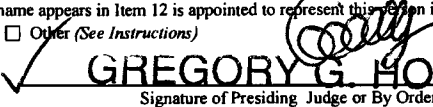
Sincerely,



Becky Darwazeh
CJA - Legal Secretary

:bd
Enclosures

cc: Clerk's Office

1. CIR./DIST./ DIV. CODE		2. PERSON REPRESENTED Gary Easley		VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER CIV.S-07-0629 WBS GGH		5. APPEALS DKT./DEF. NUMBER 08-16406	
7. IN CASE/MATTER OF (Case Name) Gary Easley v. State of CA		8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	
10. REPRESENTATION TYPE (See Instructions) Appeal					
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i>					
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS Karen Landau 2626 Harrison Street Oakland, CA 94612 Telephone Number : (510) 839-9230			13. COURT ORDER <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: _____ Appointment Dates: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR <input type="checkbox"/> Other (See Instructions)		
14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions)			Signature of Presiding Judge or By Order of the Court  GREGORY G. HOLLOWES Date of Order: April 9, 2009 Nunc Pro Tunc Date: 3/30/2009 Repayment or partial repayment ordered from the person represented for this service at time appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO		

CLAIM FOR SERVICES AND EXPENSES			FOR COURT USE ONLY			
CATEGORIES (Attach itemization of services with dates)		HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
In Court	15. a. Arraignment and/or Plea		0.00			
	b. Bail and Detention Hearings		0.00			
	c. Motion Hearings		0.00			
	d. Trial		0.00			
	e. Sentencing Hearings		0.00			
	f. Revocation Hearings		0.00			
	g. Appeals Court		0.00			
	h. Other (Specify on additional sheets)		0.00			
(RATE PER HOUR = \$ 110.00) TOTALS:		0.00	0.00			
Out of Court	16. a. Interviews and Conferences		0.00			
	b. Obtaining and reviewing records		0.00			
	c. Legal research and brief writing		0.00			
	d. Travel time		0.00			
	e. Investigative and other work (Specify on additional sheets)		0.00			
(RATE PER HOUR = \$ 110.00) TOTALS:		0.00	0.00			
17. Travel Expenses (lodging, parking, meals, mileage, etc.)						
18. Other Expenses (other than expert, transcripts, etc.)						
GRAND TOTALS (CLAIMED AND ADJUSTED):			0.00			
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM: _____ TO: _____			20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION	
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment						
Have you previously applied to the court for compensation and/or reimbursement for this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____						
APPROVED FOR PAYMENT — COURT USE ONLY						
23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR./CERT.		
28. SIGNATURE OF THE PRESIDING JUDGE			DATE	28a. JUDGE CODE		
29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED		
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) <i>Payment approved in excess of the statutory threshold amount.</i>			DATE	34a. JUDGE CODE		

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAR 25 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GARY D. EASLEY,

Petitioner - Appellant,

v.

STATE OF CALIFORNIA; et al.,

Respondents - Appellees.

No. 08-16406

D.C. No. 2:07-CV-00629-WBS-
GGH

Eastern District of California,
Sacramento

ORDER

Before: REINHARDT and BERZON, Circuit Judges.

The request for a certificate of appealability is granted with respect to the following issues: (1) whether the district court properly ruled that it lacked jurisdiction under either 28 U.S.C. § 2241 or § 2254; and (2) whether the district court properly dismissed appellant's claims as unexhausted, including whether the exhaustion requirement applies in this case. *See* 28 U.S.C. § 2253(c)(3); *see also* 9th Cir. R. 22-1(e).

Appellant is granted in forma pauperis status, based on his application to proceed in forma pauperis filed in the district court on May 28, 2008. The Clerk shall change the docket to reflect appellant's in forma pauperis status.

The court hereby appoints counsel for appellant for purposes of this appeal. Counsel will be appointed by separate order. If appellant does not wish to have appointed counsel, appellant shall file a motion asking to proceed pro se within 14 days of the date of this order.

The Clerk shall electronically serve this order on the appointing authority for the Eastern District of California, who will locate appointed counsel. The district court shall send notification of the name, address, and telephone number of appointed counsel to the Clerk of this court at counselappointments@ca9.uscourts.gov within 14 days of locating counsel.

The opening brief is due June 12, 2009; the answering brief is due July 13, 2009; the optional reply brief is due within 14 days after service of the answering brief.

Because there were no hearings in the district court, the clerk of that court shall forward the certificate of record immediately. *See* 9th Cir. R. 11-2.