

OFFICE OF THE FEDERAL DEFENDER  
EASTERN DISTRICT OF CALIFORNIA  
801 I STREET, 3rd FLOOR  
SACRAMENTO, CALIFORNIA 95814

Daniel J. Broderick  
Federal Defender

(916) 498-5700 Fax: (916) 498-5710

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

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.

Doc. 32

Sincerely,

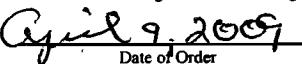
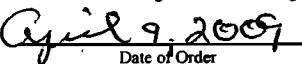


Becky Darwazeh  
CJA - Legal Secretary

:bd  
Enclosures

cc: Clerk's Office

## CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL (Rev. 12/03)

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	6. OTHER DKT. NUMBER	
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) If more than one offense, list (up to five) major offenses charged, according to severity of offense.					
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)   Signature of Presiding Judge or By Order of the Court  3/30/2009		
14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions)			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)   Signature of Presiding Judge or By Order of the Court  3/30/2009		
15. CLAIM FOR SERVICES AND EXPENSES  CATEGORIES (Attach itemization of services with dates)				FOR COURT USE ONLY	
15. In Court		HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT
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		
16. Out of Court					
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 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, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____					
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) Payment approved in excess of the statutory threshold amount.			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,

No. 08-16406

Petitioner - Appellant,

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

v.

Eastern District of California,  
Sacramento

STATE OF CALIFORNIA; et al.,

ORDER

Respondents - Appellees.

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](mailto: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.