

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE MIDDLETON,

Petitioner,

No. CIV S-08-2276 LKK KJM P

vs.

MIKE KNOWLES,

Respondent.

ORDER

_____/

Petitioner is a state prison inmate proceeding with a writ of habeas corpus. Because of several uncertainties surrounding the petition, the court appointed Carolyn Wiggin, Assistant Federal Defender, to represent petitioner. In response to respondent's motion to dismiss for failure to exhaust, counsel conceded that the issues presented in the petition have not been exhausted in state court. The court recommended that the action be dismissed and on June 30, 2009, the district court adopted this recommendation and entered judgment.

On July 27, 2009, petitioner filed another motion for the appointment of counsel. The case is closed, however, and there is nothing pending before the court that would justify the appointment of counsel.

////

////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

According, petitioner's motion for the appointment of counsel (docket no. 16) is denied.

DATED: August 4, 2009.



U.S. MAGISTRATE JUDGE