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

CLARENCE MIDDLETON,

Petitioner,

No. CIV S-08-2276 KJM P

vs.

MIKE KNOWLES,

ORDER

Respondent.

_____ /

Petitioner is a state prisoner whose name is on a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the filing fee.

The body of the form has been filled out by one of petitioner’s siblings, for each statement of grounds begins with “my brother Clarence Middleton. . . .” There is a signature on the form, purporting to be that of Clarence Middleton, but the court cannot determine whether the petitioner himself signed the form. At the end of the form is a request for the appointment of counsel, because “I nor our sister have the funds to hire an attorney. . . .”

Because of the uncertainties surrounding this petition, the court has determined that the interests of justice require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); see also Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Federal Defender is appointed to represent petitioner.

3 2. The Clerk of the Court is directed to serve a copy of the petition and this order
4 on Carolyn Wiggin, Assistant Federal Defender, and on Michael Farrell, Senior Deputy Attorney
5 General.

6 3. A status conference is set for February 25, 2009 at 10:00 a.m. in Courtroom
7 Twenty-Six. The court asks counsel to be ready to address the following questions:

8 a. Is the petition in fact signed by Clarence Middleton;

9 b. Does Clarence Middleton wish to pursue habeas relief in this court;

10 c. Have the issues in this petition been exhausted; and

11 d. Are there any amendments to this petition contemplated?

12 DATED: January 14, 2009.

13 
14 U.S. MAGISTRATE JUDGE

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