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

SHANNON SECREASE,

Petitioner,

No. CIV S-09-0299-JAM-TJB

vs.

JAMES WALKER,

Respondent.

ORDER

_____ /

Petitioner Shannon Secrease is a state prisoner proceeding through counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition for writ of habeas corpus sets forth twenty-four grounds for relief, which includes one unnumbered claim. Grounds one through ten, and the unnumbered claim, are ineffective assistance of counsel claims.

Additional information alluded to but not provided by Respondent in his Answer is likely necessary to fully address Petitioner’s ineffective assistance of counsel claims. Respondent provides: (1) the May 15, 1998, transcript showing that a *Marsden*¹ hearing was scheduled for May 28, 1998, and that a hearing on Petitioner’s motion for a new trial was scheduled for June

¹ Under California law, a *Marsden* motion allows an indigent defendant the opportunity to state specific reasons why he should have a new attorney substituted for a previously appointed counsel. *People v. Marsden*, 2 Cal. 3d 118, 122-23, 84 Cal. Rptr. 156, 465 P.2d 44 (1970).

1 18, 1998, Resp't's Answer Ex. B, pt. 7, at 9; (2) the minute order of the May 28, 1998, *Marsden*
2 hearing, Resp't's Answer Ex. A, at 201; (3) the minute order of the June 18, 1998, appearance on
3 the motion for a new trial that was rescheduled for "setting" on July 27, 1998, *id.* at 213; and (4)
4 the July 27, 1998, transcript of the hearing on the motion for a new trial, Resp't's Answer Ex. B,
5 pt. 8. Transcripts were not provided for the May 28, 1998, *Marsden* hearing and the June 18,
6 1998, appearance on the motion for a new trial.

7 IT IS HEREBY ORDERED that:

- 8 1. Respondent shall file a copy of the transcript for the May 28, 1998, *Marsden* hearing;
- 9 2. Respondent shall file a copy of the transcript for the June 18, 1998, appearance on the
10 motion for a new trial; and
- 11 3. Respondent shall file the above documents within fourteen days of the date of this
12 order.

13 DATED: January 25, 2011.

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16 TIMOTHY J BOMMER
17 UNITED STATES MAGISTRATE JUDGE
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