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

JAMES W. CAMPBELL,

Petitioner,

No. 2:10-cv-00114-GEB-DAD P

vs.

FRANCISCO JACQUEZ, et al.,

ORDER

Respondents.

_____ /

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a third amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Despite several opportunities to amend his application for federal habeas relief, petitioner’s third amended petition remains deficient. Petitioner’s original petition presented five grounds for relief with additional sub-claims. On February 24, 2011, the court granted respondent’s motion to dismiss two of petitioner’s sub-claims as unexhausted. The court also determined that a stay and abeyance was not warranted with respect to the possible exhaustion of those two sub-claims and petitioner was directed to file an amended petition containing only his exhausted claims. (Docs. No. 25 & 28.) Petitioner’s first amended petition was dismissed as defective because it appeared that petitioner was again presenting his unexhausted sub-claims and because it was difficult to decipher all of his grounds for relief. Petitioner was ordered to file a second amended petition.

1 (Doc. No. 31.) The second amended petition presented ten grounds for relief but failed to
2 include factual information addressing whether those claims were exhausted. Moreover, it was
3 unclear whether petitioner was abandoning exhausted claims which were included in his original
4 petition. Accordingly, the court directed petitioner to file a third amended petition. (Doc. No.
5 36.) In his third amended petition, petitioner raises thirteen grounds for relief. Once again, his
6 claims are difficult to decipher and the court is unable to determine if all of the claims set forth in
7 the third amended petition are exhausted.

8 In light of the complexity of the legal issues involved, the court has determined
9 that the interests of justice require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); see
10 also Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The Federal Defender is appointed to represent petitioner.
- 13 2. The Clerk of the Court is directed to serve a copy of the third amended petition
14 (Docs. No. 37) and this order on David Porter, Assistant Federal Defender.
- 15 3. A status conference is set for January 4, 2013, at 10:00 a.m. in Courtroom 27.
- 16 4. All parties shall appear at the status conference by counsel.
- 17 5. Fourteen days prior to the conference, petitioner's counsel shall file and serve a
18 status report which addresses the timing and order of the following matters:

19 a. Filing of fourth amended petition for a writ of habeas corpus or other
20 proposed solution to determine the claims that are properly the subject of petitioner's application
21 for federal habeas relief;

22 b. Anticipated motions; and

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c. Enumeration and resolution of any unexhausted claims.

Respondent may file a response to petitioner's status report seven days prior to the January 4, 2013 status conference.

DATED: November 6, 2012.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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