

1 DANIEL J. BRODERICK, Bar #89424
 Federal Defender
 2 DAVID M. PORTER, Bar #127024
 Assistant Federal Defender
 3 Counsel Designated for Service
 801 I Street, 3rd Floor
 4 Sacramento, California 95814
 Telephone: (916) 498-5700

5 Seeking Appointment as
 6 Attorney for Petitioner
 MICHAEL BRODHEIM

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

11	MICHAEL BRODHEIM,)	NO. Civ. S 10-0272-CMK
)	
12	Petitioner,)	REQUEST FOR APPOINTMENT OF
)	COUNSEL; ORDER
13	v.)	
)	
14	KATHLEEN DICKENSON, Acting)	
	Warden,)	
15)	
	Respondent.)	
16)	
)	

17
 18 Pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, and Rule
 19 8(c), Rules Governing Section 2254 Cases, Petitioner, MICHAEL BRODHEIM,
 20 and the Office of the Federal Defender hereby request that the Office of
 21 the Federal Defender be appointed counsel for Mr. Brodheim in that:

22 1. On November 2, 2006, this Court issued an order in *Michael J.*
 23 *Brodheim v. M. Veal*, Civ. S 06-02326 LKK GGH, in which Mr. Brodheim is
 24 challenging the State's 2003 denial of parole, and it determined that the
 25 interests of justice required the appointment of counsel because of the
 26 complexity of the legal issues involved. Accordingly, the Court
 27 appointed the Office of the Federal Defender to represent Mr. Brodheim in
 28 that action;

1 2. That action is still pending, having been administratively
2 stayed on March 16, 2009, pending *Hayward v. Marshall*, 512 F.3d 536 (9th
3 Cir. 2008), *reh'g en banc granted*, No. 06-55392, 527 F.3d 797 (9th Cir.
4 Filed May 16, 2008).

5 3. In the above-entitled action, Mr. Brodheim challenges the 2007
6 decision of the Board of Parole Hearings and Governor denying him parole,
7 and Mr. Porter represented Mr. Brodheim in his state habeas corpus
8 proceedings;

9 4. There is significant overlap in the parties and claims asserted
10 in the two actions, both of which raise complex legal issues;

11 5. Respondents have the benefit of counsel.

12 Accordingly, on behalf of Mr. Brodheim, the Federal Defender's
13 Office requests that the Court enter the order lodged herewith appointing
14 the office to represent Mr. Brodheim in the above-entitled matter.

15 Dated: February 2, 2010

16 Respectfully submitted,

17 DANIEL J. BRODERICK
18 Federal Defender

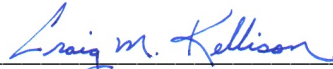
19 /s/ David M. Porter
20 DAVID M. PORTER
21 Assistant Federal Defender

22 Seeking Appointment as
23 Attorney for Petitioner
24 MICHAEL J. BRODHEIM
25
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O R D E R

In light of the application, and good cause appearing therefor, the Office of the Federal Defender and Assistant Federal David M. Porter are appointed to represent petitioner Michael J. Brodheim in the above-entitled matter.

DATED: June 30, 2010



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE