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

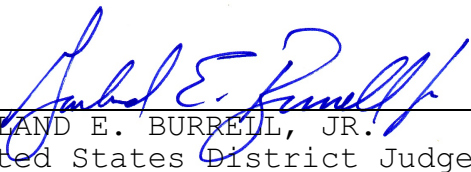
UNITED STATES OF AMERICA,)	
)	2:10-cr-00090-GEB
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
GABRIEL JOHNSON,)	
)	
Defendant.)	
_____)	

On November 15, 2010, Defendant Gabriel Johnson ("Johnson") filed the attached "Petition for Writ of Habeas Corpus" in which he challenges the order denying him bail in this criminal action. Johnson purports to proceed *in propria persona* while at the same time he is represented by counsel. "A criminal defendant does not have an absolute right to **both self-representation and the assistance of counsel**. Whether to allow hybrid representation remains within the sound discretion of the trial judge." U.S. v. Halbert, 640 F.2d 1000, 1009 (9th Cir. 1981) (citations omitted, emphasis added). "Thus, defendants generally must choose to proceed pro se or with counsel." United States v. McKinzie, No. 2:95-cr-00021-01, 2009 WL 151079, at *1 (S.D.W. Va. 2009). Johnson is not authorized to engage in hybrid representation in this criminal case. Therefore, Johnson's challenge to the order denying bail is disregarded and deemed stricken.

Johnson also complains about certain conditions of his confinement in his "Petition for Writ of Habeas Corpus." This portion

1 of his November 15, 2010 filing shall be opened as a pro se civil rights
2 case by filing what Johnson characterizes as a "Petition for Writ of
3 Habeas Corpus" in that civil action. A copy of this order shall also be
4 filed in that civil action. Further, a copy of this order shall be
5 served on Johnson at the address on the first page of his "Petition for
6 Writ of Habeas Corpus."

7 Dated: November 17, 2010

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10 _____
11 GARLAND E. BURRELL, JR.
12 United States District Judge
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