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

ANDREW L. MACKEY,

Petitioner, No. 2:12-cv-1245 LKK CKD P

vs.

WARDEN KNIPP,

ORDER

Respondent.

Petitioner is a state prisoner proceeding pro se and in forma pauperis with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In light of the complexity of the legal issues involved, 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).

Accordingly, IT IS HEREBY ORDERED that:

1. The Federal Defender is appointed to represent petitioner for purposes of opposing the pending motion to dismiss.
2. The Clerk of the Court is directed to serve a copy of this order on David Porter, Assistant Federal Defender.

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1 3. Within 60 days of this order, counsel for petitioner shall file an amended
2 opposition to defendant's July 27, 2012 motion to dismiss. The court expects that counsel for
3 petitioner will present evidence concerning petitioner's mental condition in an attempt to
4 establish a basis for equitable tolling of the limitations period applicable to this action. Any such
5 evidence shall be included with petitioner's amended opposition. If counsel for petitioner
6 believes that evidence supporting equitable tolling can only be presented through an evidentiary
7 hearing or that it would be more expedient to present evidence via an evidentiary hearing,
8 counsel for petitioner is free to file a motion for an evidentiary hearing with his amended
9 opposition.

10 4. Any reply to petitioner's amended opposition shall be filed within 30 days of
11 petitioner's amended opposition.

12 Dated: January 24, 2013

13 
14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE

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