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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUIS AMPARAN RODRIGUEZ,
Petitioner,
v.
C. GIPSON, Warden,
Respondent.

No. 2:12-cv-2260 TLN GGH P

ORDER

Presently before the court is respondent's November 16, 2012 motion to dismiss based on petitioner's failure to exhaust one of four claims.

In light of the length of petitioner's sentence, the complexity and significance of the legal issues, and petitioner's unfamiliarity with the English language, 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 ORDERED that:

1. Respondent's motion to dismiss, filed November 16, 2012, (ECF No. 8), is vacated without prejudice to its renewal as appropriate.
2. The Federal Defender is appointed to represent petitioner;
3. The Clerk of the Court is directed to serve a copy of the petition and this order on David Porter, Assistant Federal Defender.

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4. Within **sixty** days of this order, petitioner, through counsel, shall file and serve an amended petition.

5. Respondent shall file and serve a response within **sixty** days of being served with an amended petition.

Dated: October 15, 2013

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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