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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RACARDO JACKSON,
Petitioner,
v.
WARDEN OF CALIFORNIA STATE
PRISON, SOLANO,
Respondent.

No. 2:14-cv-2268 MCE DAD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter came before the court on September 17, 2015, on a motion to withdraw brought by petitioner’s counsel. In accordance with Local Rule 182, and for the reasons stated on the record, the court granted counsel’s motion to withdraw as petitioner’s counsel of record.

Under the circumstance of this case, the undersigned 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). The court will appoint the Federal Defender to represent petitioner in this case. In addition, in light of this order appointing new counsel to represent petitioner, the court will deny respondent’s pending motion to dismiss the petition for failure to exhaust state court remedies without prejudice to renewal of that motion as appropriate

1 after the court conducts a status conference with the parties, which the court will schedule once
2 petitioner's newly appointed counsel appears in this habeas action.

3 Accordingly, IT IS HEREBY ORDERED that:

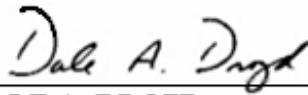
4 1. Respondent's motion to dismiss (Doc. No. 8) is denied without prejudice;

5 2. The Federal Defender is appointed to represent petitioner;

6 3. The Clerk of the Court shall serve a copy of this order on the Federal Defender,
7 Attention: Habeas Appointment; and

8 4. Petitioner's counsel shall contact the Clerk's Office to make arrangements to obtain
9 copies of documents in the file if necessary.

10 Dated: September 18, 2015

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12 _____
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

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