

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL MARKS,  
Petitioner,  
v.  
SCOTT FRAUENHEIM,  
Respondent.

No. 2:15-cv-0665 JAM DB P

ORDER

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. This case is proceeding on petitioner’s first amended petition filed September 14, 2015. (ECF No. 8.) Therein, petitioner claims ineffective assistance of his trial and appellate counsel, that the prosecution withheld evidence in violation of Brady v. Maryland, and that he was denied an opportunity to cross-examine the victim at trial in violation of the Confrontation Clause. On November 24, 2015, respondent filed an answer to the petition and on December 11, 2015, petitioner filed a traverse.

Pending before the court are petitioner’s motions for the appointment of counsel and for an evidentiary hearing. (ECF Nos. 21, 24.) Petitioner seeks the appointment of counsel due to the complexity of the issues in his case. He moves for an evidentiary hearing based on his discovery of new evidence.

///

