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6 **IN THE UNITED STATES DISTRICT COURT**
 7 **EASTERN DISTRICT OF CALIFORNIA**

8)	No. 2:15-cv-1790 WBS AC
9	JERRY BUNYARD,)	
)	<u>DEATH PENALTY CASE</u>
10	Petitioner,)	
)	[Proposed] Order
11	v.)	
12	RON DAVIS, Warden of California)	
	State Prison at San Quentin,)	
13	Respondent.)	
14)	

15 On August 24, 2015, Petitioner Jerry Bunyard, a state prisoner facing capital punishment,
 16 filed a request for appointment of counsel, for stay of execution, and to proceed *in forma*
 17 *pauperis*, in the Eastern District of California pursuant to 28 U.S.C. § 2254.


18 Rule 3(a) of the Rules Governing § 2254 Cases provides that a petitioner seeking *in*
 19 *forma pauperis* status shall file an affidavit of assets as required by 28 U.S.C. § 1915, as well as
 20 a certification from the prison stating the amount on deposit in the petitioner’s account. Mr.
 21 Bunyard has filed a supporting declaration with his request for in forma pauperis status, asserting
 22 that he is indigent and has only minimal assets, as well as a certificate of funds on deposit from
 23 the prison.

1 IT IS HEREBY ORDERED THAT:

- 2 1. Mr. Bunyard's request to proceed *in forma pauperis* is granted;
- 3 2. Mr. Bunyard's application for appointment of counsel is granted. Counsel will be
- 4 appointed following notice from the Eastern District Selection Board either that the
- 5 Federal Defender, Capital Habeas Unit, or that other qualified counsel available for
- 6 appointment has been identified;
- 7 3. There being no scheduled execution date pending, Mr. Bunyard's request for a stay of
- 8 execution is denied without prejudice to renewal should any proceedings related to
- 9 the execution of his sentence of death, including preparation for execution and the
- 10 setting of an execution date, be instituted in state court during the pendency of the
- 11 instant proceedings.

12 IT IS SO ORDERED.

13 Dated: August 24, 2015

14 
15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE