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

8)	No. 2:17-cv-00796 JAM AC
9	ERIC ROYCE LEONARD,)	
	Petitioner,)	<u>DEATH PENALTY CASE</u>
10)	{Proposed} Order
11	v.)	
12	RON DAVIS, Warden of California)	
	State Prison at San Quentin,)	
13	Respondent.)	
14)	

15 On April 17, 2017, Petitioner Eric Royce Leonard, a state prisoner facing capital
 16 punishment, filed a request for appointment of counsel and to proceed *in forma pauperis* in the
 17 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.

21 Petitioner has filed a supporting declaration with his request for *in forma pauperis* status,
 22 asserting that he is indigent and has only minimal assets. Based on Petitioner’s submissions, he
 23 has complied with the requirements of 28 U.S.C. § 1915 and Rule 3(a) of the Rules Governing §
 24

1 2254 Cases in the United States District Courts. Petitioner is entitled to proceed *in forma*
2 *pauperis*.

3 Section 3599(a)(2) of Title 18 of the United States Code provides for the appointment of
4 one or more attorneys to represent an indigent person proceeding under 28 U.S.C. § 2254 to
5 vacate a death sentence. Rule 191(c) of the Local Rules of the United States District Court for
6 the Eastern District of California also provides for the appointment of counsel for indigent
7 capital habeas petitioners. Under this rule, selection of counsel is made from a panel of attorneys
8 qualified for appointment in death penalty cases and certified by a selection board appointed by
9 the Chief Judge. Based on petitioner's submissions, he is entitled to appointment of counsel
10 under 18 U.S.C. § 3599(a)(2).


11 The Court finds good cause to grant Petitioner's application for appointment of counsel
12 and to proceed in forma pauperis.

13 IT IS HEREBY ORDERED THAT:

- 14 1. Mr. Leonard's request to proceed *in forma pauperis* is granted;
- 15 2. Mr. Leonard's application for appointment of counsel is granted. The matter is
16 referred to the Selection Board for the Eastern District of California for
17 recommendation of counsel.

18 IT IS SO ORDERED.

19 Dated: April 20, 2017

20 
21 ALLISON CLAIRE
22 UNITED STATES MAGISTRATE JUDGE