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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERNEST EDWARD DYKES,

Petitioner,

v.

MICHAEL MARTEL, Acting Warden,

Respondent.

Case No. [11-cv-04454-SI](#)  
**DEATH PENALTY CASE**

**ORDER GRANTING APPLICATION  
TO WITHDRAW AS COUNSEL**

Re: Dkt. No. 146

Before the Court is Phillip A. Treviño’s motion to withdraw as counsel to Petitioner Ernest Dykes, filed May 29, 2023. Dkt. No. 146. On May 31 and June 2, 2023, Mr. Treviño filed supplemental briefs regarding the motion. The motion is unopposed.


The decision whether to permit counsel to withdraw is committed to the sound discretion of the trial court. *See LaGrand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998). The Court has reviewed counsel’s filings and finding good cause to do so, the Court hereby **GRANTS** Phillip A. Treviño’s motion to withdraw as counsel.

IT IS FURTHER ORDERED that this matter be referred to the Selection Board for the United States District Court, Northern District of California, for suggestion of one or more counsel to be appointed to represent Petitioner in these proceedings.

Proceedings shall be STAYED until counsel for Petitioner has been appointed.

**IT IS SO ORDERED.**

Dated: June 2, 2023

  
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SUSAN ILLSTON  
United States District Judge