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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEENAN G. WILKINS,  
Petitioner,  
v.  
JEFF MACOMBER,  
Respondent.

Case No. [16-cv-00221-SI](#)

**ORDER VACATING FEBRUARY 1,  
2019 DEADLINE AND  
SETTING NEW DEADLINES**

On January 7, 2019, the Court issued an Order granting in part and denying in part petitioner Keenan G. Wilkins’s motion for reconsideration of the Court’s prior Order granting respondent’s motion to dismiss. Docket No. 79. Because the Court found the amended petition for writ of habeas corpus was a “mixed petition” containing both exhausted and unexhausted claims, the Court required petitioner to choose how to proceed in this case and set a deadline of February 1, 2019, for petitioner to make his choice.

On January 22, 2019, petitioner filed a motion for substitution of counsel, asking that his appointed attorney, James P. Vaughns, be taken off the case and that petitioner be given new counsel. Docket No. 82. Petitioner states, among other allegations, that his appointed counsel failed to act on exhaustion writs before the Court granted respondent’s motion to dismiss; that counsel did not act on numerous letters and phone calls from petitioner or emails from his family members; and that on reconsideration counsel failed to present a “vast amount” of writs showing exhaustion.

Before the Court rules on petitioner’s motion, the Court finds that a response from petitioner’s counsel, Mr. Vaughns, is warranted. The Court therefore ORDERS as follows:

1. Mr. Vaughns shall file an opposition or response to the motion for substitution of counsel **no later than February 4, 2019.**

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2. Petitioner Wilkins may file a reply to Mr. Vaughns’s response **no later than February 18, 2019.**
3. The current February 1, 2019 deadline for petitioner to choose how to proceed on his mixed petition is **VACATED.** The Court will re-set this deadline once it has ruled on the motion for substitution of counsel.

**IT IS SO ORDERED.**

Dated: January 28, 2019



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SUSAN ILLSTON  
United States District Judge