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6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 OAKLAND DIVISION
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10 Steven W. BONILLA,

11
12 Petitioner,

13 v.

14 Vincent CULLEN, Acting Warden of
15 San Quentin State Prison,

16 Respondent.
17

Case Number 08-0471 CW

DEATH PENALTY CASE

ORDER

18
19 Petitioner Steven Bonilla has been sentenced to death by the
20 Superior Court of California for the County of Alameda. Although
21 his state habeas case is currently being litigated, he has filed
22 a "protective petition" in this Court pursuant to Pace v.
23 DiGuglielmo, 544 U.S. 408 (2005).

24 Pursuant to Habeas Local Rule 2254-25, this Court earlier
25 granted his request for appointment of counsel and referred this
26 action to the Northern District's Selection Board for the
27 recommendation of qualified counsel to represent Petitioner in
28 these proceedings. Pursuant to Habeas Local Rule 2254-24(a),
Petitioner's concurrent request for a stay of execution was also

1 granted.

2 On July 15, 2010 Petitioner filed a pleading containing
3 numerous requests and motions. For the following reasons, all of
4 Petitioner's requests and motions are DENIED.

5 To begin with, Petitioner notifies the Court of what he
6 claims is an alleged fraud concerning a plea agreement with
7 Bradley Keyes. Keyes, who was involved in the murder for which
8 Petitioner was convicted and sentenced to death, cooperated with
9 prosecutors and testified at Petitioner's trial. This issue, as
10 well as other issues Petitioner refers to regarding his capital
11 trial, are not ripe for this Court to consider, given, among
12 other things, that his state habeas matter is still pending in
13 the state court. Thus, the Court DENIES Petitioner's requests
14 regarding these issues, including his request that the Court
15 schedule an immediate hearing and his request that he be
16 appointed advisory counsel to assist him regarding these matters.

17 In addition, Petitioner renews his request for a
18 Vaughn-indexing of the documents produced in another case, C-02-
19 636 MHP. For the reasons set forth in this Court's order of
20 April 30, 2010, Petitioner's request is DENIED.

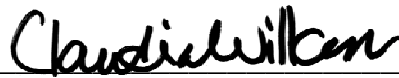
21 Finally, Petitioner moves to withdraw his request for
22 appointed counsel for his federal habeas petition and moves to
23 represent himself with advisory counsel of his choice.
24 Petitioner does not, however, have a right to self-representation
25 during habeas proceedings. See Martinez v. Court of Appeals of
26 California, 528 U.S. 152 (2000) (holding that the right to
27 represent oneself at trial pursuant to Faretta v. California, 422
28 U.S. 806 (1975), does not extend to appellate proceedings).

1 Petitioner has offered no compelling reasons as to why he would
2 be better served representing himself in this complex capital
3 habeas matter and, thus, this Court DENIES Petitioner's motion.

4 For the foregoing reasons, all of Petitioner's requests and
5 motions contained in his pleading of July 15, 2010 are DENIED

6 IT IS SO ORDERED.

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9 DATED: 7/22/2010



CLAUDIA WILKEN
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5
6 STEVEN W. BONILLA,
7 Plaintiff,

Case Number: CV08-00471 CW

CERTIFICATE OF SERVICE

8 v.

9 ROBERT AYERS JR. et al,
10 Defendant.
11 _____/

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on July 22, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18 California Appellate Project
19 Federal Court Docketing
20 101 Second Street
21 Suite 600
22 San Francisco, CA 94105

23 Habeas Corpus Resource Center
24 303 Second Street, Suite 400 South
25 San Francisco, CA 94107

26 Steven W. Bonilla J-48500
27 CSP-San Quentin
28 CA State Prison at San Quentin
San Quentin, CA 94974

Dated: July 22, 2010

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk