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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DELANEY GERAL MARKS,  
Petitioner,  
v.  
RON DAVIS, Warden, California State  
Prison at San Quentin,  
Respondent.

Case No. 11-CV-02458-LHK  
**ORDER RE *PRO SE* FILINGS**  
Re: Dkt. Nos. 66, 67

In 1994, Petitioner Delaney Geral Marks (“Petitioner”) was convicted of two counts of first degree murder with personal use of a firearm, and two counts of attempted premeditated murder and infliction of great bodily injury, and sentenced to death. On December 14, 2011, Petitioner filed a petition for a writ of habeas corpus before this Court.

Petitioner, who is represented by counsel, recently filed two *pro se* pleadings: an Amended Petition and a letter to the Court. For the following reasons, the claims within Petitioner’s *pro se* pleadings are DENIED WITHOUT PREJUDICE.

As a capital prisoner, Petitioner has a statutory right to counsel in these proceedings. 18 U.S.C. § 3599(a)(2). That includes the right “for that counsel meaningfully to research and present [his] habeas claims.” *MacFarland v. Scott*, 512 U.S. 849, 858 (1994). Petitioner does not,

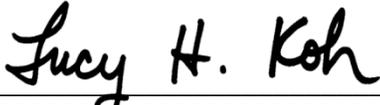
1 however, have a right to dictate tactics in the pursuit of his habeas petition. *United States v. Mayo*,  
2 646 F.2d 369, 375 (9th Cir. 1981). Nor does he have a “a constitutional right to compel appointed  
3 counsel to press nonfrivolous points requested by [him], if counsel, as a matter of professional  
4 judgment, decided not to present those points.” *Jones v. Barnes*, 463 U.S. 745, 751 (1983).

5 The Court is confident that Petitioner is represented by highly qualified counsel. Petitioner  
6 has not alleged a genuine conflict of interest with his counsel, who are vigorously pursuing his  
7 claims. Accordingly, any substantive pleadings should be filed through Petitioner’s court-  
8 appointed counsel. All of the claims raised within Petitioner’s *pro se* pleadings are therefore  
9 DENIED WITHOUT PREJUDICE.

10 **IT IS SO ORDERED.**

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Dated: June 14, 2016

  
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LUCY H. KOH  
United States District Judge