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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RICHARD SAMAYOA, Petitioner, v. RONALD DAVIS, Warden, Respondent.

Case No.: 00cv2118-W

**ORDER PURSUANT TO REMAND
DIRECTING BRIEFING ON
APPOINTMENT OF ADDITIONAL
COUNSEL**

This Court previously issued an Order denying Petitioner’s motion to appoint additional counsel. (See ECF No. 112.) Petitioner appealed the decision, and the Ninth Circuit reversed and remanded the case to this Court “to determine whether appointment of additional counsel to represent Richard Samayoa is appropriate under” 18 U.S.C. § 3599. Samayoa v. Davis, 928 F.3d 1127, 1128 (9th Cir. July 3, 2019). According to the Ninth Circuit, the primary issue under the statute “is whether a petitioner is ‘financially unable’ to obtain adequate representation....” Id. at 1132. Accordingly, pursuant to the remand, the Court **ORDERS** as follows:

1. On or before **Friday, September 6, 2019**, Petitioner shall submit a brief addressing whether appointment of additional counsel is appropriate under

1 section 3599, specifically including whether Petitioner is financially unable to
2 obtain adequate representation such that appointment is warranted under the
3 statute.

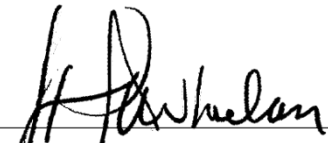
4 2. Respondent may file a response on or before **Friday, September 20, 2019**.

5 3. Petitioner may file a reply on or before **Friday, September 27, 2019**.

6 Unless the Court orders otherwise, the matter will be decided on the pleadings.

7 **IT IS SO ORDERED.**

8 Dated: August 21, 2019

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11 Hon. Thomas J. Whelan
12 United States District Judge
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