

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

OMAR R. WILKINS,

Petitioner,

vs.

NICK LUDWICK,

Respondent.

No. C13-4024-MWB

ORDER

This matter is before the court on the petitioner's application for a writ of habeas corpus and application for appointment of counsel. The petitioner filed both applications on February 25, 2013. The petitioner paid the required filing fee. *See* 28 U.S.C. § 1914.

The court believes that the petitioner will benefit from the assistance of counsel. Accordingly, the petitioner's application for appointment of counsel is granted. The clerk's office is directed to appoint an attorney to represent the petitioner in this matter.

Currently confined at the Iowa State Penitentiary in Fort Madison, Iowa, the petitioner brings this action under 28 U.S.C. § 2254 to challenge the legality of his conviction and resulting confinement. In the Iowa District Court for Woodbury County, the petitioner was convicted of first degree murder. *See State v. Wilkins*, 693 N.W.2d 348 (Iowa 2005); *State v. Wilkins*, No. FECR051128 (Woodbury County Dist. Ct. 2002); *see also Wilkins v. State*, 2012 Iowa App. LEXIS 534 (Iowa Ct. App. 2012); *Wilkins v. State*, No. PCCV131652 (Woodbury County Dist. Ct. 2010).¹ Because the court is unable to determine whether the applicable statute of limitation bars the petitioner's action or

¹ Iowa state court criminal and civil records may be accessed at the following address: http://www.iowacourts.gov/Online_Court_Services/. *See Stutzka v. McCarville*, 420 F.3d 757, 760 n.2 (8th Cir. 2005) (addressing court's ability to take judicial notice of public records).

whether the petitioner submitted exhausted and unexhausted claims, the clerk's office is directed to send a copy of the application for a writ of habeas corpus by certified mail to the respondent and the Iowa Attorney General in accordance with Rule 4, Rules Governing Section 2254 Cases. The respondent is directed to file an answer to the application for a writ of habeas corpus in accordance with Rule 5, Rules Governing Section 2254 Cases, by no later than April 30, 2013.

IT IS SO ORDERED.

DATED this 22nd day of March, 2013.



LEONARD T. STRAND
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA