

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

MARK ANTONIO WILDER,

Petitioner,

vs.

JOHN AULT,

Respondent.

No. 09-CV-2021-LRR

ORDER

This matter is before the court following transfer from the United States District Court for the Southern District of Iowa. Such transfer occurred on April 14, 2009. Prior to the case being transferred or on April 8, 2009, the petitioner submitted an application for a writ of habeas corpus and an application for appointment of counsel. The petitioner paid the required \$5.00 filing fee.

Concerning the petitioner's application for appointment of counsel, 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 of Court 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 Black Hawk County, the petitioner was convicted of robbery in the first degree, in violation of Iowa Code section 711.2. *See State v. Wilder*, 2006 Iowa App. LEXIS 715 (Iowa Ct. App. 2006); *State v. Wilder*, No. FECR107344 (Black Hawk County Dist. Ct. 2003); *see also Wilder*

v. State, 2008 Iowa App. LEXIS 1124 (Iowa Ct. App. 2008); *Wilder v. State*, No. PCCV100406 (Black Hawk County Dist. Ct. 2007).¹

The Clerk of Court 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 May 26, 2009.

IT IS SO ORDERED.

DATED this 23rd day of April, 2009.



JON STUART SCOLES
Magistrate Judge
UNITED STATES DISTRICT COURT

¹ Iowa state court criminal and civil records may be accessed at the following address: http://www.judicial.state.ia.us/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).