

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODNEY O. HARRIS,

Petitioner,

v.

CASE NO. 07-13250
HONORABLE GEORGE CARAM STEEH

RAYMOND BOOKER,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR RELEASE FROM CUSTODY

On August 1, 2008, the Court granted Petitioner's application for the writ of habeas corpus. In a subsequent order dated August 18, 2008, the Court explained that it was granting a conditional writ of habeas corpus. The Court ordered the State to release Petitioner unless, within sixty days, the State appointed appellate counsel for Petitioner and reinstated Petitioner's appeal of right in the Michigan Court of Appeals. Currently pending before the Court is Petitioner's motion for release from custody. Petitioner alleges that the State has not complied with the Court's order by appointing counsel for him.

A review of state court records indicates that, on September 15, 2008, Assistant Attorney General Brad Beaver provided the Michigan Court of Appeals with a copy of this Court's dispositive decision. On September 18, 2008, the Michigan Court of Appeals remanded Petitioner's case to the trial court for a determination on Petitioner's eligibility for appointed counsel. *See People v. Harris*, Mich. Ct. App. No. 287724 (Sept. 18, 2008) (order and docket attached). Counsel was appointed for Petitioner, and a claim of appeal was filed in Petitioner's behalf on October 3, 2008. Substitute counsel was appointed for Petitioner on October 28, 2008.

The State has complied with this Court's orders by appointing counsel for Petitioner and by taking steps to initiate an appeal of right within the time frame established by the Court.

Therefore, Petitioner's motion for release [Dkt. 14] is **DENIED**.

Dated: December 16, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 16, 2008, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk