

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

KENNETH BAUMRUK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:12CV804 AGF
	)	
TROY STEELE,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

Appointed counsel have submitted a proposed budget for this action. Counsel seek compensation for 1,400 hours of attorney time, or eight months of full-time work for one attorney billing forty hours per week. The request is excessive.

Counsel argue that this action is complex because petitioner was tried twice and there are forty-one banker's boxes of files to review. Counsel also claim a duty to review the state court proceedings for any potential ineffective assistance claims under Martinez v. Ryan, 132 S. Ct. 1309 (2012).

The Court recognizes that counsel have a duty to diligently represent their client. But counsel must remember that this is a habeas corpus proceeding, and the issues before the Court are limited to whether the state courts' decisions were contrary to or an unreasonable application of clearly established federal law. Counsel are not obligated to retry every failed issue that was presented to the state courts. Additionally,

counsel are not entitled to full compensation for all of their work. In re Carlyle, 644 F.3d 694 (8th Cir. 2011) (C.J. Riley).

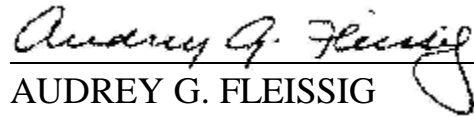
The Court also notes that counsel did not tailor their budget request to the needs of this case. Counsel have submitted the same excessive budget in at least two other cases. Budget requests must be tailored to each individual case.

The Court will approve a total of 400 hours for legal research, writing, and reviewing the record. The Court will approve an additional 150 attorney hours for interviewing clients, consulting with prior counsel, travel, interviewing witnesses, and miscellaneous matters. Therefore, the Court approves a total budget of 550 hours or attorney time and an additional \$7,500 in expenses. Counsel must be efficient. The Court will not modify this order without good cause.

Accordingly,

**IT IS HEREBY ORDERED** that counsel are authorized to bill up to 550 hours for representing petitioner in this matter, and expenses are authorized up to \$7,500.00.

Dated this 1st day of August, 2013.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE