

demonstration of actual innocence after trial would render unconstitutional a conviction and sentence that is otherwise free of constitutional error. The Court has established, however, that the threshold for any such claim, if it were recognized, would be extraordinarily high.”). While the court calls attention to this issue, there may be others raised, or not raised, by Petitioner requiring further briefing. This order is not intended to limit Petitioner’s claims.

The court cautions Petitioner that no determination has been made regarding the merits of his claims or any defenses thereto, or whether there are procedural bars that will prevent Petitioner from obtaining the relief sought.

IT IS THEREFORE ORDERED that:

1. The Federal Public Defender’s Office for the District of Nebraska is appointed to represent Petitioner.
2. An attorney from the Federal Public Defender’s Office shall promptly enter his appearance as counsel in this matter.
3. No later than 60 days from the date of this order, counsel for Petitioner shall file an amended petition for writ of habeas corpus that fully sets forth Petitioner’s grounds on which he claims he is being held in violation of the Constitution, laws or treaties of the United States. The clerk’s office is directed to enter the following pro se case management deadline: **November 24, 2014**: Check for amended petition.
4. Following the filing of the amended petition, the court will enter an order progressing this matter to disposition.
5. Although counsel has been appointed, this matter will remain assigned to the pro se docket.

6. The clerk's office shall provide the Federal Public Defender's Office, Petitioner, and the Nebraska Attorney General's Office with a copy of this Memorandum and Order.

DATED this 23rd day of September, 2014.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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