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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GEORGE W. LUSTER, JR.,

Petitioner,

2:04-cv-00334-RLH-RJJ

vs.

ORDER

DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS, *et al.*,

Respondents.

This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner’s motion (#28) to reopen the case following a stay for exhaustion of state judicial remedies and upon his motion (#29) for appointment of counsel. No response to either motion has been filed.

The motion to reopen will be granted pursuant to Local Rule LR 7-2(d). The Court’s grant of the motion to reopen does not signify a holding that the unexhausted claims in fact have been properly exhausted and does not preclude any defenses that may be raised by respondents.

On the motion for appointment of counsel, following review of the petition and accompanying papers, the Court finds that the interests of justice warrant the appointment of counsel.

1 IT THEREFORE IS ORDERED that the motion (#28) to reopen case is GRANTED.

2 IT FURTHER IS ORDERED that petitioner's motion (#29) for appointment of counsel
3 is GRANTED. The counsel appointed will represent petitioner in all federal proceedings
4 related to this matter, including any appeals or *certiorari* proceedings, unless allowed to
5 withdraw.

6 IT FURTHER IS ORDERED that the Federal Public Defender for the District of Nevada
7 shall have thirty (30) days to undertake direct representation of the petitioner or to indicate
8 to the Court its inability to represent the petitioner in these proceedings. If the Federal Public
9 Defender is unable to represent petitioner, the Court then shall appoint alternate counsel.

10 IT FURTHER IS ORDERED that, if the Federal Public Defender is able to represent
11 petitioner and files a notice of appearance herein, counsel shall state in the notice of
12 appearance the time believed to be necessary to prepare and file an amended petition, taking
13 into account the anticipated investigation and other steps necessary for preparing the
14 pleading. A deadline for the filing of an amended petition will be set after counsel has filed
15 a notice of appearance, in the order confirming the specific appointment.

16 The Clerk of Court further shall send a copy of this order to the CJA Coordinator for
17 the Southern Division.

18 DATED this 4th day of January, 2007.

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ROGER L. HUNT
United States District Judge