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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JESSICA WILLIAMS,

*Petitioner,*

vs.

CHRISTINE BODO, *et al.*,

*Respondents.*

2:04-cv-01620-KJD-LRL

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner’s application (#80) and amended application (#85) to proceed *in forma pauperis*, current counsel’s second motion (#83) to withdraw as counsel, and petitioner’s motion (#84) for appointment of counsel. No opposition has been filed to the foregoing.

For good cause shown, and following upon the discussion in the prior order (#78), the motion to withdraw as counsel and the motion for appointment of the Federal Public Defender as counsel will be granted. The pauper applications will be denied without prejudice as unnecessary at this juncture, but the Court has considered the financial materials filed with the applications in determining that petitioner is financially eligible for the appointment of counsel. The pauper applications otherwise are unnecessary at this juncture as the filing fee previously was paid.

The Court accordingly will reset the deadline for a response to the prior show cause order (#78). While the Court often calls for or considers briefing of any stay issues separate from and subsequent to briefing on exhaustion issues, in this instance the Court would prefer for the exhaustion issue and any alternative request for a stay to be briefed together both by

1 petitioner and respondents. The Court is seeking, if possible, to resolve the exhaustion issue  
2 and any alternative request for a stay in advance of March 31, 2011. At the same time,  
3 however, the Court understands that new counsel is independently reviewing the entire case.  
4 Nothing in the Court's orders precludes petitioner, through new counsel, from – in lieu of a  
5 show cause response at this juncture – instead seeking leave to file a new counseled  
6 amended petition by an extended date certain (and potentially subsequent to March 31, 2011)  
7 in advance of addressing any then-existing exhaustion, stay and/or other issues.<sup>1</sup>

8 IT THEREFORE IS ORDERED that the second motion (#83) to withdraw as counsel  
9 is GRANTED and that John G. Watkins, Esq., and Ellen J. Bezian, Esq. hereby are granted  
10 leave to withdraw as counsel.

11 IT FURTHER IS ORDERED that petitioner's motion (#84) for appointment of counsel  
12 is GRANTED and that the Federal Public Defender's Office is appointed as counsel for  
13 petitioner pursuant to 18 U.S.C. § 3006A(a)(2)(B), with Lori C. Teicher, Esq., and Michael  
14 Pescetta, Esq., appearing as petitioner's counsel of record.

15 IT FURTHER IS ORDERED that the application (#80) and amended application (#85)  
16 to proceed *in forma pauperis* are DENIED without prejudice as unnecessary at this juncture.

17 IT FURTHER IS ORDERED that petitioner shall have thirty (30) days from entry of this  
18 order within which to respond to the prior show cause order (#78) and/or to seek other  
19 appropriate relief. Respondents may respond thereto within thirty (30) days of service.

20 The Clerk shall send a copy of this order to the CJA Coordinator for this Division.

21 DATED: January 20, 2011

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24 \_\_\_\_\_  
25 KENT J. DAWSON  
26 United States District Judge

27 \_\_\_\_\_  
28 <sup>1</sup>As noted in the prior order, petitioner also may seek a stay for exhaustion and reopen the matter at  
any time thereafter during any such stay to file an amended federal petition seeking to present and preserve  
claims. #78, at 11. The Court's orders preclude neither course, nor any other request for relief, in advance.