

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

CODY LEAVITT,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents

CASE NO. 2:12-CV-00987-JCM-CWH

ORDER RELEASING FPD AND  
APPOINTING ALTERNATE COUNSEL

The court previously appointed the Federal Public Defender to represent the petitioner (ECF No. 6).

The Federal Public Defender (herein "FPD") has identified a conflict of interest with the petitioner, and has indicated to the Court their inability to further represent the petitioner. The court's Criminal Justice Act Designee has, however, located counsel, Todd Leaventhal, who is willing to be appointed to represent the petitioner herein.

**IT IS THEREFORE ORDERED** that the FPD is hereby released as counsel.

**IT IS FURTHER ORDERED** that Todd Leaventhal, is hereby APPOINTED to represent the petitioner herein. Mr. Leaventhal, is a Criminal Justice Act panel attorney for the United States District Court, District of Nevada. Mr. Leaventhal shall represent petitioner in all future proceedings in this court relating to this matter (including subsequent actions) and appeals therefrom, pursuant to 18. U.S.C. Section 3006A (a)(2)(B), until allowed to withdraw.

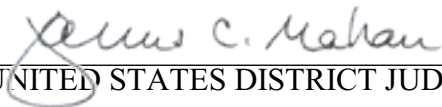
**IT IS FURTHER ORDERED** that CJA counsel for petitioner shall meet with petitioner as soon as reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. Section

1 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas  
2 corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus  
3 relief must be raised at this time and that the failure to do so will likely result in the omitted grounds  
4 being barred from future review under the rules regarding abuse of writ.

5 **IT IS FURTHER ORDERED** that counsel for petitioner and counsel for respondents  
6 shall within forty-five (45) days file a joint statement describing what portions of petitioner's state court  
7 record have been obtained and what portions are missing. Counsel for respondents should make  
8 available to counsel for petitioner (photocopying costs at the latter's expense), as soon as reasonably  
9 possible, a copy of whatever portions of the state court record they possess regarding the judgment  
10 petitioner is challenging herein.

11 **IT IS FURTHER ORDERED** that counsel for petitioner shall file an amended petition  
12 for writ of habeas corpus within ninety (90) days, which shall include all known grounds for relief (both  
13 exhausted and unexhausted). Respondent shall have thirty (30) days after the filing of the amended  
14 petitioner within which to answer, or otherwise respond to, the amended petition.

15 Dated, August 15, 2012.

16  
17   
18 UNITED STATES DISTRICT JUDGE

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 t

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28