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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RANDOLPH L. MOORE,)
)
 Petitioner,)
)
 vs.)
)
 RENEE BAKER, *et al.*,)
)
 Respondents.)
)
 _____)

2:13-cv-0655-JCM-CWH

ORDER

This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 by Randolph L. Moore, a Nevada prisoner under sentence of death. Moore filed a *pro se* habeas corpus petition (ECF No. 1) on April 18, 2013. He paid the \$5 filing fee.

Despite the fact that he paid the \$5 filing fee, Moore also filed an application for leave to proceed *in forma pauperis* (ECF No. 3). In view of the information provided in that application regarding his financial status, the court will grant Moore’s motion in part and deny it in part. The court will not waive payment of the \$5 filing fee, but, based on the information in his application, will grant Moore leave to proceed *in forma pauperis* with respect to subsequent fees and costs.

In addition, Moore filed a motion for appointment of counsel (ECF No. 4). The information provided in Moore’s application for leave to proceed *in forma pauperis* shows that he lacks the resources necessary to employ counsel for this capital habeas corpus action. Therefore, pursuant to 18 U.S.C. § 3599, and in the interests of justice, the Federal Public Defender for the District of

1 Nevada (FPD) shall be appointed to represent Moore. If the FPD is unable to represent Moore, due
2 to a conflict of interest or other reason, then alternate counsel will be located and appointed by the
3 court. Moore's appointed counsel will represent him in all subsequent proceedings, pursuant to
4 18 U.S.C. § 3599(e), unless and until allowed to withdraw.

5 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma pauperis*
6 (ECF No. 3) is **GRANTED IN PART AND DENIED IN PART**. The application to proceed *in*
7 *forma pauperis* is **DENIED** with respect to waiver of payment of the filing fee, but **GRANTED**
8 with respect to subsequent fees and costs.

9 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel
10 (ECF No. 4) is **GRANTED**. The Federal Public Defender for the District of Nevada is appointed to
11 represent petitioner. The federal public defender shall have **30 days** from the date of entry of this
12 order to undertake representation of petitioner or to indicate to the court its inability to represent
13 petitioner in these proceedings.

14 **IT IS FURTHER ORDERED** that the clerk of the court shall send a copy of this order to
15 Michael Pescetta, Capital Habeas Division, Office of the Federal Public Defender, 411 East
16 Bonneville Ave., Ste. 250, Las Vegas, NV 89101.

17 **IT IS FURTHER ORDERED** that the clerk of the court shall **SERVE** the respondents,
18 by certified mail, with a copy of this order and a copy of the petition for writ of habeas corpus
19 (ECF No. 1).

20 **IT IS FURTHER ORDERED** that respondents' counsel shall file a notice of appearance of
21 counsel within **30 days** from the date of entry of this order. Respondents need not respond to the
22 habeas corpus petition unless and until ordered by the court to do so.

23
24 Dated April 25, 2013.

25
26 
UNITED STATES DISTRICT JUDGE