

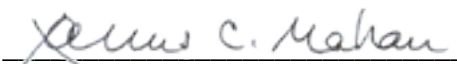
1 ground. Petitioner also stated that he could not communicate with Gamage. The court also
2 received information that Gamage had abandoned other clients in other actions. The court
3 granted petitioner's proper-person. ECF No. 63. The court appointed Mary Lou Wilson to
4 represent petitioner. ECF No. 64. Wilson then filed a motion for leave to file a second amended
5 petition. ECF No. 71. The motion repeated petitioner's complaints about Gamage, supported by
6 a newspaper article, court documents, and orders of the Nevada Supreme Court imposing
7 sanctions on Gamage. Id. The motion for leave to file a second amended petition is fully briefed
8 and ready for decision.

9 Wilson then resigned from the CJA panel and moved to withdraw. ECF No. 76. The
10 court granted Wilson's motion. ECF No. 77. The court has appointed Theresa Ristenpart to
11 represent petitioner. ECF No. 78.

12 The court will give new counsel time to become familiar with the case. Counsel will need
13 to decide how to proceed with this action. To repeat, the first amended petition, ECF No. 39, still
14 is the operative petition, but petitioner is not pleased with that petition. The motion for leave to
15 file a second amended petition, ECF No. 71, still is pending. Counsel might wish to decide to
16 proceed with that motion and proposed amended petition. However, if counsel does choose to
17 proceed with that motion, then counsel will need to file a separate proposed second amended
18 petition, because Wilson included her proposed second amended petition within the motion
19 document itself and not as an attachment. See LR 15-1(a). Counsel might wish to withdraw the
20 currently pending motion, ECF No. 71, and file a new motion for leave to amend with a new
21 proposed second amended petition. Counsel might have another proposal, too.

22 IT THEREFORE IS ORDERED that petitioner will have ninety (90) days from the date of
23 entry of this order to file and serve a motion or notice indicating how petitioner wishes to proceed
24 with this action. If counsel files a motion, then the normal briefing schedule of LR 7-2 will apply.

25 DATED: March 7, 2019.

26 
27 JAMES C. MAHAN
28 United States District Judge