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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA  
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9 CHARLES LEE RANDOLPH,

10 Petitioner,

11 v.

12 WILLIAM GITTERE, *et al.*,

13 Respondents.  
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Case No. 3:08-cv-00650-LRH-CLB

**ORDER**

15 In this capital habeas corpus action, the Court has appointed the Federal Public  
16 Defender for the District of Idaho (FPD) as counsel for the petitioner, Charles Lee  
17 Randolph. ECF No. 67. On August 23, 2023, the Court received from the FPD an ex parte  
18 communication, Exhibit A (which will be filed for the record but under seal), in which the  
19 FPD requests permission to represent Randolph in a successive post-conviction habeas  
20 corpus action in state court. Having reviewed the request, and having carefully considered  
21 the history of this action, and in consideration of the efficiencies in moving all proceedings  
22 along expeditiously, the Court finds good cause to permit Randolph's federally appointed  
23 counsel to represent him in the successive state-court habeas action. See 18 U.S.C. §  
24 3599(e); *Harbison v. Bell*, 556 U.S. 180, 190 n.7 (2009). By granting the FPD's request,  
25 the Court does not purport to encourage, or convey any position with respect to the merits  
26 of, the proposed state court litigation.

27 **IT IS THEREFORE ORDERED** that the request for authorization for the Federal  
28 Public Defender for the District of Idaho to represent Petitioner in a successive petition

1 for writ of habeas corpus in state court is **GRANTED**. Petitioner's federally-appointed  
2 counsel is authorized to represent him in state court in a successive post-conviction  
3 habeas corpus action. The Court takes no position with regards to any merit or lack of  
4 merit in the proposed successive petition.

5 **IT IS SO ORDERED.**

6 DATED THIS 25<sup>th</sup> day of August, 2023.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE

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