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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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GILBERT DEMETRIUS AGUILAR,

v.

TIMOTHY FILSON, *et al.*,

Petitioner,

Respondents.

Case No. 3:12-cv-00397-MMD-WGC

ORDER

In this habeas corpus action, the Petitioner, Gilbert Demetrius Aguilar, is represented by appointed counsel, Mary Lou Wilson. (See ECF No. 20 (Order entered May 15, 2013).) On July 10, 2018, the Court denied Aguilar's habeas petition and denied him a certificate of appealability, and judgment was entered. (See ECF No. 79 (Order entered July 10, 2018); ECF No. 80 (Judgment).)

On October 12, 2018, Aguilar, acting *pro se*, filed an untimely notice of appeal (ECF No. 81). On December 21, 2018, the court of appeals denied Aguilar's request for a certificate of appealability because his notice of appeal was untimely. (See ECF No. 84 (Order entered December 21, 2018).) The court of appeals stated:

The court admonishes Wilson for her failure to notice a timely appeal. Wilson's performance falls below the level expected of counsel appointed to represent defendants and petitioners under the Criminal Justice Act. We refer this matter to the CJA panel administrator for the District of Nevada for appropriate action, including whether attorney Wilson should remain on the CJA panel and whether replacement counsel should be appointed to assist Aguilar with any post-judgment motions.


1 (Id. at 2.)

2 On February 8, 2019, Wilson filed a motion requesting leave of court to withdraw
3 from her representation of Aguilar in this case “based upon the fact that counsel has
4 resigned from the CJA panel.” (See ECF No. 86 at 1 (Motion for Withdrawal of Counsel).)
5 The Court recognizes that Wilson has resigned from the CJA panel and determines that
6 there is good cause to grant her request to withdraw.

7 It is therefore ordered that the Motion for Withdrawal of Counsel (ECF No. 86) is
8 granted. Mary Lou Wilson is discharged from her representation of the Petitioner in this
9 case.

10 It is further ordered that the Court will, by separate order, appoint counsel to
11 represent the Petitioner with respect to any post-judgment motion.

12 DATED THIS 13th day of February 2019.

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15 MIRANDA M. DU
16 UNITED STATES DISTRICT JUDGE
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