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**UNITED STATES DISTRICT COURT**

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**DISTRICT OF NEVADA**

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BRIAN KERRY O'KEEFE,

Case No.: 3:14-cv-00477-RCJ-CBC

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Petitioner

**ORDER**

10 v.

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ROBERT LEGRAND, et al.,

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Respondents

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Petitioner Kerry O'Keefe's § 2254 petition for a writ of habeas corpus has been briefed

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and awaits merits disposition by this court. Before the court is O'Keefe's request for submission

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of habeas action for decision as well as his ex parte motion for mandatory counsel to conduct

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future evidentiary hearing (ECF Nos. 117, 120). He claims that he is entitled to an evidentiary

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hearing because factual disputes exist in this matter. CJA counsel previously represented

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O'Keefe (ECF No. 28). O'Keefe later filed a pro se motion to withdraw counsel (ECF No. 39).

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His counsel filed a response in which he agreed that O'Keefe did not trust him and that the

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attorney-client relationship had completely broken down (ECF No. 40). O'Keefe had also filed

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several other pro se motions. The court granted the motion to withdraw as counsel, and O'Keefe

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has been litigating the petition pro se since February 2017 (ECF No. 49). He has presented

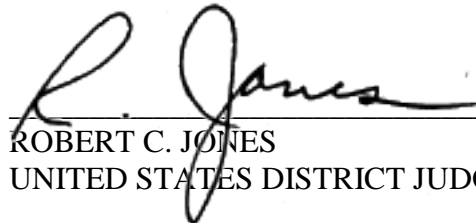
1 nothing now that persuades the court that new counsel should be located and appointed. Further,  
2 O'Keefe's request for submission of this matter is denied; the petition shall be adjudicated on the  
3 merits in due course. The court notes that O'Keefe has filed many frivolous motions in this  
4 action that have only delayed a decision on the merits of this petition (see, e.g., motion to strike  
5 motion for extension of time (ECF No. 52); motion for bail pending appeal (ECF No. 54);  
6 motion for summary judgment (ECF No. 94)).

7 **IT IS THEREFORE ORDERED** that petitioner's emergency motion, 2d (ECF No.113)  
8 is **DENIED**.

9 **IT IS FURTHER ORDERED** that the request for submission (ECF No. 117) is  
10 **DENIED**.

11 **IT IS FURTHER ORDERED** that the motion for mandatory counsel (ECF No. 120) is  
12 **DENIED**.

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14 Dated: February 19, 2019

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16 ROBERT C. JONES  
17 UNITED STATES DISTRICT JUDGE  
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