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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARC ANTHONY COLON,

Case No. 3:18-cv-00490-MMD-CBC

Petitioner,

ORDER

v.

R. BAKER, *et al.*,

Respondents.

Following upon the Federal Public Defender's notice of conflict (ECF No. 11),

It is ordered that the provisional appointment of the Federal Public Defender is withdrawn and that the following practitioner is appointed as counsel for Petitioner pursuant to 18 U.S.C. § 3006A(a)(2)(B):

Jim Halley  
James F. Halley, P.C.  
735 SW First Ave., Second Floor  
Portland, OR 97204  
503-295-0301  
[jimhalley@halleylaw.com](mailto:jimhalley@halleylaw.com)

Counsel will represent Petitioner in all federal proceedings related to this matter, including any appeals or *certiorari* proceedings, unless allowed to withdraw.

It is further ordered that the Court grants Mr. Halley permission to appear *pro hac vice* in all federal proceedings related to this matter during the pendency of this appointment, and the Court waives the requirements of Local Rule LR IA 11-2 for a verified petition for permission to appear *pro hac vice* and payment of a two hundred fifty dollar (\$250.00) fee. The Court finds that such waiver is in the interests of justice given a temporary limited availability of counsel on this District's Criminal Justice Act ("CJA")

1 panel and Mr. Halley's membership on the corresponding CJA panel in the District of  
2 Oregon.

3 It is further ordered that Petitioner will have 60 days from entry of this order within  
4 which to file a counseled amended petition. Any deadline established and/or any  
5 extension thereof will not signify any implied finding of a basis for tolling during the time  
6 period established. Petitioner at all times remains responsible for calculating the running  
7 of the federal limitation period and timely presenting claims. That is, by setting a deadline  
8 and/or by granting any extension thereof, the Court makes no finding or representation  
9 that the petition, any amendments thereto, and/or any claims contained therein are not  
10 subject to dismissal as untimely. See *Sossa v. Diaz*, 729 F.3d 1225, 1235 (9th Cir. 2013).

11 Following entry of Mr. Halley as counsel of record on the docket, the Clerk of Court  
12 will provide counsel, upon his request, with a single set of electronic copies of all prior  
13 filings herein in a manner consistent with the Clerk of Court's current practice, such as  
14 regeneration of notices of electronic filing.

15 The Clerk of Court further will send a copy of this order to the Petitioner in proper  
16 person at the last institutional address in the record and reflect said transmittal either via  
17 the notice of electronic filing or on the docket, in a manner consistent with the Clerk of  
18 Court's current practice.

19 DATED THIS 20<sup>th</sup> day of May 2019.

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23 MIRANDA M. DU  
24 UNITED STATES DISTRICT JUDGE  
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