

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL CASE NO. 1:09cv416

JAMES LEWIS MORGAN,)
)
 Petitioner,)
)
 v.)
)
)
GERALD BRANKER, Warden,)
Central Prison)
Raleigh, North Carolina,)
)
 Respondent.)
_____)

AMENDED ORDER

THIS MATTER is before the Court to amend its Order, filed January 28, 2010, appointing counsel and granting in forma pauperis status in this case. (Doc. No. 10). The Court appointed Mark Kleinschmidt and Kelley DeAngelus to assist Petitioner in the preparation and litigation of his Petition for Writ of Habeas Corpus, nunc pro tunc to August 27, 2009. See id. The Court is amending its January 28, 2010 Order to, among other things, reflect changes in the hourly rate for Criminal Justice Act panel attorneys.

Beginning on page three of the January 28, 2010 Order, paragraph four (4) is amended to state that:

- 4. Appointed counsel Mark Kleinschmidt and Kelley DeAngelus shall be compensated at the rate of \$175 per hour for each hour ultimately approved by the Court for work performed on this case prior to January 1, 2010. For each hour ultimately approved by the Court for work performed on this case on or after January 1, 2010, appointed counsel shall be

compensated at the rate of \$178 per hour. Bona fide paralegals assisting appointed counsel shall be compensated at the rate of \$40 per hour approved. Counsel and paralegals will be compensated for private automobile travel prior to January 1, 2010 at the rate of 55 cents per mile. For private automobile travel on or after January 1, 2010, counsel and paralegals will be compensated at the rate of 50 cents per mile. Counsel will be reimbursed for out-of-pocket expenses reasonably incurred incident to the representation of their client. Single item expenses in excess of \$250 must have prior court approval. Such approval may be sought by filing an ex parte application with the Clerk of Court stating the nature of the expense, the estimated dollar cost, and the reason the expense is necessary to the representation. Recurring expenses, such as telephone costs, photocopying and photographs, which aggregate more than \$250 on one or more interim vouchers are not considered single expenses requiring Court approval.

On page four of the Order, paragraph five (5) is amended to state that:

5. Counsel shall submit on a monthly basis an interim CJA Form 30 Voucher, "Death Penalty Proceedings: Appointment of and Authority to Pay Court Appointed Counsel" to the Office of the Federal Defenders of Western North Carolina. Compensation earned and reimbursable expenses incurred during the preceding month shall be claimed on the interim voucher and submitted no later than the tenth day of each month

for the previous month's involvement. The first interim voucher submitted shall reflect all compensation claimed and reimbursable expenses incurred from August 27, 2009 through February 28, 2010, and shall be submitted no later than March 10, 2010. Each monthly voucher shall be accompanied by a detailed time sheet verified by claiming counsel of time and expenses involved during the claimed period. Where necessary, copies of receipts for expenses must be provided.

On page four of the Order, paragraph six (6) is amended to state that:

6. Upon completion of its audit of the interim vouchers, the Office of the Federal Defenders of Western North Carolina shall forward the vouchers to this Court for its review and authorization of payment.

In all other respects, the January 28, 2010 Order (Doc. 10) shall remain unchanged.

IT IS, THEREFORE, ORDERED THAT the January 28, 2010 Order appointing counsel and granting in forma pauperis status (Doc. No. 10) is **AMENDED** to reflect the changes stated in the body of this Order. **IT IS FURTHER ORDERED THAT** in all other respects, the January 28, 2010 Order (Doc. No. 10) shall remain unchanged.

Signed: February 5, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

