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TABLE OF AUTHORITIES

O.R.C. § 2937.03

Appointment of counsel

O.R.C. § 2953.21

Petition to vacate or set aside sentence

MEMORANDUM IN SUPPORT

Now comes Mr. Maximino Macias Jr. in pro se. and at this time is submitting his status report. Mr. Macias Jr. filed a petition to set aside the sentence on 9-16-04 along with a motion for appointment of counsel.

As the Honorable courts can see, Mr. Macias Jr. has been denied discovery that can and will prove that he is innocent. But Judge McQuade has just not allowed a hearing on any of the motions that Mr. Macias Jr. has filed.

At this time I hope that this Honorable Court will just talk to this Judge and will hold my writ of Habeas Corpus in Abeyance untill this Judge gives me a fair hearing. This motion is respectfully submitted.


Maximino Macias Jr.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of this foregoing motion was sent to the clerk of courts of the United States District Court by regular U.S. Mail at 114 U.S. Courthouse, Toledo, Ohio 43624, on this 23 day of Sept., 2004.

Pursuant to Title 28 USC§1746


Maximino Macias Jr.