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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

XXX XXXXX,)	Case No. 00-cv-0000-XXX
)	
Petitioner,)	<u>DEATH PENALTY CASE</u>
)	
vs.)	ORDER APPOINTING COUNSEL AND
)	INITIATING CASE MANAGEMENT
Warden of California State Prison at San Quentin,)	PROCEDURES
)	
Respondent.)	

This matter is before the Court on the request of Petitioner for appointment of counsel and the ensuing recommendation of the Selection Board for the Eastern District of California regarding Petitioner’s request. The Court’s decision as to the appointment of counsel is informed by the June 25, 2009 letter from the Selection Board over the signature of Assistant Federal Defender XXX XXXX.

The Selection Board has recommended joint representation of Petitioner by the Capital Habeas Unit of the Federal Defender’s Office and private attorney XXX XXXX. The Court adopts this recommendation. Assistant Federal Defender XXXX XXX is designated as the attorney from the Federal Defender’s Office assigned to the case along with Mr. XXXX.

Counsel for the parties (including for Respondent Warden of San Quentin State Prison) shall familiarize themselves with the Guide to Case Management and Budgeting in Capital Habeas Cases, Eastern District of California, Fresno Division (hereafter the “Attorney Guide”), most recently updated in September 2009, and posted on the Court’s web-page. Both parties are asked to complete the Confidential Case Evaluation Form (Appendix B to the Attorney Guide). See Attorney Guide, ¶ 46. The Court will maintain each Confidential Case Evaluation Form under seal, unless the party filing the Form elects to file it publicly. The Case Evaluation Forms shall be filed by July 17, 2009.

1 Petitioner’s counsel are directed to prepare a case management plan and budget for Phase I of
2 the litigation in accordance with the Attorney Guide. The proposed case management plan and budget
3 shall be supported by properly subscribed declarations. *See* Attorney Guide, ¶ 14. Although only Mr.
4 XXXX’s services will be budgeted, in order to evaluate the reasonableness of services he proposes to
5 provide, resources to be allocated by the Federal Defender’s Office also must be disclosed. In
6 submitting the proposed budget, Mr. XXXX shall also complete the Rate Justification Worksheet
7 (Appendix A to the Attorney Guide) so the Court can establish a reimbursement rate for his professional
8 services. The Phase I case management plan and budget shall be filed under seal by Thursday, July 30,
9 2009 .

10 The Court will conduct a telephonic case management and budget conference at 12:00 noon on
11 August 6, 2009 with counsel for Petitioner initiating the call. All counsel shall participate in the case
12 management portion of the call. Counsel shall be prepared to discuss the statute of limitations, a
13 timetable for the filing of the petition, and a protective petition, if necessary, the time necessary to
14 assemble the record, and a date for Respondent Warden to lodge the state record. Counsel for the
15 Warden will then be excused so that confidential matters pertaining to a proposed budget for Phase I
16 can be resolved.

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18 IT IS SO ORDERED.

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20 Dated: July 10, 2009

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/s/ XXX XXXXX
United States District Judge

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