

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

JAN 20 2005

Betty A. Griess, Clerk
Cheyenne

IN THE MATTER OF CASES ARISING
UNDER 28 U.S.C. §2254 BROUGHT BY
PRISONERS IN STATE CUSTODY
SUBJECT TO A CAPITAL SENTENCE

GENERAL ORDER
CONCERNING FEDERAL
HABEAS DEATH
PENALTY CASES

To achieve uniformity in the treatment of federal habeas death penalty cases in this district and to inform counsel in advance of the Court's expectations, the Court establishes the following procedures:

General Procedures

1. A case file will be opened upon the filing of a document requesting the appointment of an attorney for the purpose of filing a habeas corpus case or upon the filing of a petition pursuant to 28 U.S.C. §2254.
2. Once the case is opened, and a district court judge is assigned, the Court shall:
 - a. Review requests to proceed *in forma pauperis*, if any;
 - b. Appoint counsel, if appropriate; and
 - c. Transfer the case to the magistrate judge to conduct a case management/litigation budget conference.
3. Once the case has been transferred to the magistrate judge, a conference shall be scheduled to complete the following:

- a. Consider requests to appoint additional counsel, if necessary;
- b. Hold a case management/litigation budget conference to set deadlines for filing of pleadings and other matters, and make a record of said deadlines and any objections thereto through the use of an official court reporter;
- c. Hold an *in camera* budget review of the Petitioner's proposed litigation budget in the event he/she has an attorney appointed under the Criminal Justice Act and issue an order approving such budget, if appropriate; and
- d. Transfer the case back to the appointed district court judge.

4. The appointed district court judge will conduct any necessary evidentiary hearings and issue any dispositive rulings in the case, review the decisions of the magistrate judge, particularly those relating to the Petitioner's proposed litigation budget, hear any appeals therefrom, and assume the management of the case.

Administrative Issues

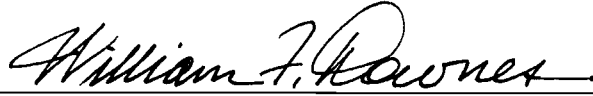
1. The Petitioner and Respondent will each be responsible for designating the relevant portions of the state record they deem necessary for the district court's review. This will also be the record which is submitted to the Tenth Circuit on appeal, should an appeal be necessary.

2. Unless otherwise ordered, the district court will not accept the original state court record, transcripts or exhibits, but instead will require that a certified copy of the records and transcripts be provided at the Respondent's expense. The Court will further request that photographs of any relevant evidence be provided in lieu of the actual evidentiary item.

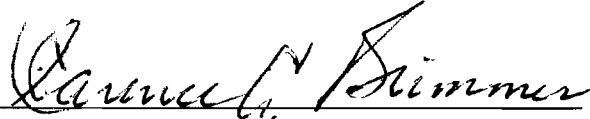
3. Any requests to view the state court record must be made to the state court. The

certified copy made for the district court's use will not be available to the public.

Dated this 20th day of Jan., 2005.
~~December, 2004.~~



William F. Downes
CHIEF UNITED STATES DISTRICT JUDGE



Clarence A. Brimmer
UNITED STATES DISTRICT JUDGE



Alan B. Johnson
UNITED STATES DISTRICT JUDGE



William C. Beaman
UNITED STATES MAGISTRATE JUDGE