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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Mikal Omar Rasul,)
)
Petitioner,)
)
v.)
)
Benny Rollins, et al.,)
)
Respondents.)
)
-----)

CV 01-129 TUC DCB

ORDER


Pursuant to the Judgment issued by the Ninth Circuit Court of Appeals on July 19, 2005, wherein the Ninth Circuit ruled that the refusal of the Arizona Court of Appeals to appoint appellate counsel for Petitioner "was an unreasonable application of a long line of Supreme Court precedent guaranteeing counsel on direct appeal,"

IT IS ORDERED that a conditional writ of habeas corpus is **GRANTED**. Respondents shall release Petitioner from custody and discharge him from all other adverse consequences of his 1994 Arizona state convictions in Pima County Superior Court Case No. CR-41583, **unless** a reinstated direct appeal of Petitioner's said convictions is initiated within ninety (90) days of the date the judgment herein becomes final, plus any additional delay authorized under State law. Respondents shall also appoint appellate counsel for Petitioner to assist him with that appeal if Petitioner is unable to retain counsel of his own.

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1 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter judgment and serve
2 by United States mail copies of said judgment and this Order upon Petitioner and counsel for
3 Respondent.

4 DATED this 18th day of August, 2005.

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10 David C. Bury
11 United States District Judge
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