

1 VERNON LEON WATTS
06711-097
2 FCI-HERLONG
Federal Correctional Institute, Herlong
3 P.O. Box 800
Herlong, CA 96113

4 Appearing pro se
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,) NO. Cr. No. 93-086 WBS
12)
Plaintiff,)
13) **REQUEST FOR APPOINTMENT OF**
v.) **COUNSEL; [lodged] ORDER**
14)
VERNON LEON WATTS,)
15)
Defendant.)
16)
_____)

17 Pursuant to 18 U.S.C. §§ 3006A(c) and 3852(c)(2), Defendant,
18 VERNON LEON WATTS, appearing pro se, hereby requests the court to
19 appoint counsel to represent him with respect to his motion to reduce
20 sentence pursuant to 18 U.S.C. § 3582(c)(2), filed December 17, 2007.
21 CR #132. Mr. Watts requests the Court appoint the Office of the
22 Federal Defender and Assistant Federal Defender David M. Porter. Mr.
23 Porter was previously appointed by this Court on June 27, 2001 to
24 represent Mr. Watts with respect to his motion to vacate sentence
25 pursuant to 28 U.S.C. § 2255. CR #104. He is familiar with the case
26 and is willing to accept the appointment.¹

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28 ¹ This request was drafted by Mr. Porter.

1 Appointment of counsel would serve the interests of justice in
2 this case because it might facilitate a negotiated disposition of the
3 motion and because the motion might raise novel legal issues
4 surrounding application of the United States Sentencing Commission's
5 recent retroactive reduction of sentences under the crack cocaine
6 guidelines. In addition, Mr. Watts does not have access to the recent
7 amendment and his limited access to the prison's law library would
8 prevent him from effectively representing himself. Finally, given the
9 delays in receiving mail, if he continued to appear pro se, it might be
10 difficult, if not impossible, for him to file a timely reply pursuant
11 to this Court's December 19, 2007 scheduling order. CR #133 (setting a
12 February 8, 2008 deadline for the filing of a reply to the government's
13 response, which is due January 25, 2008). Because Mr. Watts'
14 substantial rights may be affected by these criminal proceedings, he is
15 constitutionally entitled to appointment of counsel. *Mempa v. Rhay*,
16 389 U.S. 128, 134 (1967).

17 Accordingly, Mr. Watts requests the Court issue the order lodged
18 herewith.

19 Dated: December 21, 2007

20 Respectfully submitted,

21 /s/ Vernon Leon Watts

22

VERNON LEON WATTS

23 Defendant appearing pro se

O R D E R

Pursuant to defendant's request, and good cause appearing therefor, the Office of the Federal Defender and Assistant Federal David M. Porter is hereby appointed to represent defendant with respect to his motion to reduce sentence.

DATED: December 28, 2007



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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