

UNITED STATES AIR FORCE COURT OF CRIMINAL APPEALS

UNITED STATES,)	Misc. Dkt. No. 2009-02
Respondent)	
)	
v.)	
)	ORDER
First Lieutenant (O-2))	
JAMES L. MILLER,)	
USAF,)	
Petitioner – <i>Pro se</i>)	Panel No. 1

In a Petition for Extraordinary Relief in the Nature of a Writ of Error Coram Nobis, dated 02 February 2009, and a Petition for a Writ of Habeas Corpus, dated 24 March 2009 that were filed by the Petitioner – *Pro se*, the Petitioner – *Pro se* requested, a Writ of Error Coram Nobis, under the All Writs Act, 28 U.S.C. § 1651; a Writ of Habeas Corpus; and for this Court to appoint counsel under Article 70(c), UCMJ, 10 U.S.C. § 870(c).

Accordingly, it is by the Court on this 2nd day of March, 2010,

ORDERED:

That the Petitioner – *Pro se* is hereby notified that in regards to the request to have counsel appointed, this Court does not possess the authority under Article 70(c), UCMJ, 10 U.S.C. § 870(c) and Rules 10 and 11, of this Court’s Rules of Practice and Procedure, to appoint appellate defense counsel to the petitioner, and in the absence of authority, this Court cannot.

In accordance with the provisions of Article 70(c), UCMJ, 10 U.S.C. § 870(a-d), and Rules 10 and 11, of this Court’s Rules of Practice and Procedure, any appointment of appellate defense counsel would be determined by The Judge Advocate General of the Air Force.

In regards to the remainder of the Petition for Extraordinary Relief in the Nature of a Writ of Error Coram Nobis and the Petition for a Writ of Habeas Corpus filed by the Petitioner – *Pro se*, this Court is currently reviewing said petitions and will render its determination in due course.

FOR THE COURT

OFFICIAL



A handwritten signature in blue ink, appearing to read "S. Lucas", is written over the seal and extends to the right.

STEVEN LUCAS, YA-02, DAF
Clerk of the Court