

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

July 1, 2005

PATRICK FISHER
Clerk

KENNETH E. TURRENTINE,

Petitioner - Appellant,

v.

MIKE MULLIN, Warden, Oklahoma
State Penitentiary,

Respondent - Appellee.

No. 05-5106

ORDER AND JUDGMENT*

Before **LUCERO, McCONNELL, and TYMKOVICH**, Circuit Judges.

Petitioner, Kenneth Eugene Turrentine, filed an appeal in this matter on July 1, 2005. He appeals two orders entered by the district court on June 21, 2005. The district court's first order denied Turrentine's request for the appointment of counsel pursuant to 21 U.S.C. § 848(q). The second order granted

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

the withdrawal of Turrentine's counsel of record, Stephen Gruebel. Taking jurisdiction pursuant to 28 U.S.C. §§ 1291 and 1331, we order as follows.

We reverse the court's order denying the appointment of counsel, and direct the district court to obtain replacement counsel for Mr. Turrentine as soon as practicable.

We affirm the district court's order granting Mr. Gruebel's motion to withdraw as counsel.¹

Entered for the Court

Per Curiam

¹ On June 28, 2005, this court issued an order denying the motion to withdraw of Mr. Turrentine's counsel, Mr. Gruebel. At the time we issued this order, the panel was unaware of the district court's June 21, 2005 order allowing the withdrawal of Mr. Gruebel on the grounds of conflict of interests. Given the conflict between our June 28 order and the district court's June 21 order, this panel *sua sponte* withdraws its order denying withdrawal. We hereby grant Mr. Gruebel's request to withdraw as appellate counsel.