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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Denijal Hrbenic,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Respondents.
14

No. CV-14-02251-PHX-JAT

ORDER

15 Pending before the Court is Petitioner's motion for extension of time to file
16 objections to the Report and Recommendation and Motion to Appoint counsel. The
17 Court will first address the motion to appoint counsel.

18 Petitioner seeks counsel due to both a language barrier and a claimed lack of
19 knowledge of the American legal system. Regarding the language barrier, Petitioner's
20 failure to take advantage of the interpreter services offered by Respondents does not
21 justify appointment of counsel. *See* Order at Doc. 33.

22 Additionally, prisoners applying for habeas relief are not entitled to appointed
23 counsel unless the circumstances indicate that appointed counsel is necessary to prevent
24 due process violations. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th cir. 1986), *cert.*
25 *denied*, 481 U.S. 1023 (1987); *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per
26 curiam). This Court has discretion to appoint counsel when "the interests of justice so
27 require." *Terrovona v. Kincheloe*, 912 F.2d 1176, 1181 (9th Cir. 1990), *cert. denied*, 499
28 U.S. 979 (1991) (quoting 18 U.S.C. § 3006A(a)(2)(B)). "In deciding whether to appoint

1 counsel in a habeas proceeding, the district court must evaluate the likelihood of success
2 on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light
3 of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954
4 (9th Cir. 1983).

5 First, because the Report and Recommendation recommends that the Petition be
6 denied and dismissed, the Court does not find a likelihood of success on the merits.
7 Second, Petitioner cannot refuse to consult an interpreter and then claim he cannot
8 present his claims *pro se*. Thus, Petitioner has failed to show he should receive appointed
9 counsel. Therefore,

10 IT IS ORDERED that the motion to appoint counsel (part of Doc. 35) is denied.

11 IT IS FURTHER ORDERED that the motion for extension of time (part of Doc.
12 35) is granted to the limited extent that Petitioner’s objections to the Report and
13 Recommendation are due by December 2, 2016.

14 Dated this 15th day of November, 2016.

