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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

AARON LYNDAL COOPER,

CASE NO. 1:10-cv-01124-OWW-SMS (HC)

Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

vs.

(Doc. 14)

JEANNA WOODFORD, et al.,

Respondents.

On August 19, 2010, Petitioner Aaron L. Cooper, a state prisoner proceeding pro se, filed a motion seeking the appointment of counsel. Petitioner does not have the right to representation by counsel, see McCleskey v. Zant, 499 U.S. 467, 495 (1991); Pennsylvania v. Finley, 481 U.S. 551, 555 (1987), but the Court may appoint counsel where the interest of justice so requires, Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1985) (citations omitted). “In deciding whether to appoint counsel in a habeas proceeding, the district court must evaluate the likelihood of success of the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.” Weygandt, 718 F.2d at 954.

In light of Petitioner’s inability to succeed on the merits given that he is challenging his conditions of confinement rather than the fact or duration of his confinement, 28 U.S.C. § 2254(a);

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1 Badea v.Cox, 931 F.2d 573, 574 (9th Cir. 1991) (citing Preiser v. Rodriguez, 411 U.S. 475, 485, 93
2 S.Ct. 1827, 1833 (1973)), Petitioner's request for appointment of counsel is HEREBY DENIED.

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4 IT IS SO ORDERED.

5 **Dated:** November 19, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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