

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DARRELL A. JONES,  
Petitioner,  
v.  
PEOPLE OF THE STATE OF  
CALIFORNIA,  
Respondent.

Case No. 1:15-cv-00383- GSA (HC)

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL**

(ECF No. 2)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On the same date that he filed his petition, Petitioner filed a motion for appointment of counsel. (ECF No. 2).

There currently exists no absolute right to appointment of counsel in habeas proceedings.

See, e.g., Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958); Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir. 1984). However, Title 18 U.S.C. 3006A(a)(2)(B) authorizes the appointment of counsel at any stage of the case if “the interests of justice so require.” See Rule 8(c), Rules Governing Section 2254 Cases. The court should only appoint counsel under “exceptional circumstances” and after evaluating the likelihood of success on the merits and the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved. See Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

Petitioner argues that counsel should be appointed because of his inexperience with the

1 law and his mental illness. Petitioner claims that he has schizophrenia and that he participates in  
2 the Enhanced Outpatient Program, but he provides no proof other than his sworn statement in his  
3 motion for appointment of counsel. He attached progress notes from medical personnel to his  
4 petition, but these progress notes are from 2011. Upon a review of Petitioner's petition, motion  
5 to proceed in forma pauperis, and the instant motion for the appointment of counsel, the Court  
6 finds that Petitioner has a sufficient grasp of his claims for habeas relief and the legal issues  
7 involved, and that he is able to articulate those claims adequately. Furthermore, Petitioner does  
8 not demonstrate a likelihood of success on the merits such that his case should be classified as an  
9 "exceptional circumstance." See Weygandt, 718 F.2d at 954. Therefore, in the present case, the  
10 Court does not find that the interests of justice require the appointment of counsel at the present  
11 time.

12 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for appointment of  
13 counsel is DENIED.

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16 IT IS SO ORDERED.

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Dated: March 17, 2015

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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