

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3
4 ESTEBAN HERNANDEZ,

5 Petitioner,

6 v.

7 DHS/ICE and LORETTA LYNCH, Attorney
8 General of the United States of America,

9 Respondents.

CASE NO. 1:15-cv-01829-SKO HC

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

(Doc. 21)

10
11 For the second time in this district, Petitioner, proceeding *pro se* with a petition for writ of
12 habeas corpus pursuant to 28 U.S.C. § 2241, moves for appointment of counsel. In habeas proceedings,
13 no absolute right to appointment of counsel currently exists. *See, e.g., Anderson v. Heinze*, 258 F.2d
14 479, 481 (9th Cir. 1958); *Mitchell v. Wyrick*, 727 F.2d 773, 774 (8th Cir. 1984). Nonetheless, a court may
15 appoint counsel at any stage of the case "if the interests of justice so require." 18 U.S.C. §
16 3006A(a)(2)(B); Rule 8(c), Rules Governing Section 2254 Cases.

17 Petitioner contends that appointment of counsel is required since (1) he lacks the financial means
18 to hire counsel; (2) is unable to investigate his claims while incarcerated; (3) his case is unduly complex;
19 and (4) he has been unable to find counsel who will represent him without cost. He shares these four
20 contentions with nearly all petitioners for writs of habeas corpus. Petitioner has competently filed his
21 petition and motion for appointment of counsel, presenting well reasoned arguments supported by
22 appropriate legal citations. Accordingly, the Court finds no evidence that the interests of justice require
23 the appointment of counsel at this time.

24 Petitioner's motion for appointment of counsel is hereby DENIED.

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26 IT IS SO ORDERED.

27 Dated: February 16, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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