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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 ESTEBAN HERNANDEZ,

10 Petitioner,

11 v.

12 DHS/ICE and LORETTA LYNCH, Attorney
13 General of the United States of America,

14 Respondents.

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

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

(Doc. 34)

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16 For the third time in this district, Petitioner, proceeding *pro se* with a petition for writ of habeas
17 corpus pursuant to 28 U.S.C. § 2241, moves for appointment of counsel. In habeas proceedings, no
18 absolute right to appointment of counsel currently exists. *See, e.g., Anderson v. Heinze*, 258 F.2d 479,
19 481 (9th Cir. 1958); *Mitchell v. Wyrick*, 727 F.2d 773, 774 (8th Cir. 1984). Nonetheless, a court may
20 appoint counsel at any stage of the case "if the interests of justice so require." 18 U.S.C. §
21 3006A(a)(2)(B); Rule 8(c), Rules Governing Section 2254 Cases.

22 Petitioner contends that appointment of counsel is required since Respondents misrepresented
23 the status of his pending immigration case in their request for an extension of time in which to respond
24 to the petition (Doc. 30). Petitioner's motion sets forth facts supporting his claim that Respondents
25 misrepresented the facts and urges appointment of counsel according to the standards applicable in the
26 immigration case. In addressing a habeas petition, this Court lacks jurisdiction to interfere in the
27 pending immigration case.

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1 This Court applies the standards for appointment of counsel in federal habeas case. It finds that
2 Petitioner has competently filed his petition and motion for appointment of counsel, presenting well
3 reasoned arguments supported by appropriate legal citations. Accordingly, the Court restates its
4 conclusion that the interests of justice do not require the appointment of counsel at this time.

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

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7 IT IS SO ORDERED.

8 Dated: May 6, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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