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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 TANNEN SOOJIAN,  
12                   Petitioner,  
13           v.  
14 JOE A. LIZARRAGA,  
15                   Respondent.

Case No. 1:16-cv-00254-SAB-HC  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
(ECF No. 3)

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17           Petitioner is proceeding pro se with a petition for writ of habeas corpus pursuant to 28  
18 U.S.C. § 2254. Petitioner has requested the appointment of counsel. (ECF No. 3).

19           There currently exists no absolute right to appointment of counsel in habeas proceedings.  
20 See, e.g., Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986); Anderson v. Heinze, 258 F.2d  
21 479, 481 (9th Cir. 1958). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of  
22 counsel at any stage of the proceeding for financially eligible persons if “the interests of justice  
23 so require.” See Rule 8(c), Rules Governing Section 2254 Cases. To determine whether to  
24 appoint counsel, the “court must evaluate the likelihood of success on the merits as well as the  
25 ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues  
26 involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

27           Petitioner argues that counsel should be appointed because this case involves complex  
28 factual and legal issues, he lacks specialized legal education, and he is indigent and cannot

1 investigate crucial facts. Upon review of the petition and the instant request for appointment of  
2 counsel, the Court finds that Petitioner has a comprehensive grasp of his claims for habeas relief  
3 and the legal issues involved, and that he is able to articulate those claims effectively. Further,  
4 Petitioner does not demonstrate a likelihood of success on the merits such that the interests of  
5 justice require the appointment of counsel at the present time.

6 Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of  
7 counsel is DENIED.

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9 IT IS SO ORDERED.

10 Dated: February 25, 2016

  
UNITED STATES MAGISTRATE JUDGE

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