

1 petition, denied a certificate of appealability, and ordered the Clerk of Court to close the case.
2 Judgment was entered the same day.

3 On June 28, 2017, the Federal Defender moved to withdraw as Petitioner's attorney,
4 declaring that she had advised Petitioner that she was unaware of a non-frivolous issue on which
5 to raise an appeal, but that Petitioner was free to file an appeal on his own behalf if he chose. On
6 July 5, 2017, the Magistrate Judge entered an order providing Petitioner with 21 days to oppose
7 counsel's motion to withdraw. Petitioner filed no opposition.
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9 A petitioner in habeas corpus proceedings has no absolute right to appointment of counsel.
10 See, e.g., *Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir. 1958); *Mitchell v. Wyrick*, 727 F.2d
11 773, 774 (8th Cir. 1984). Nonetheless, in this case, the Court appointed counsel in the interest of
12 justice to ensure that if Petitioner had a cognizable claim for habeas relief but was unable to
13 represent himself as a result of his disability, his claim was fully investigated and prosecuted by
14 experienced counsel. See 18 U.S.C. § 3006(a)(2)(B); Rule 8(c), Rules Governing Section 2254
15 Cases. After Petitioner's appointed counsel met with Petitioner and reviewed the factual
16 background of his claim in light of applicable law, Petitioner moved to dismiss his claim as
17 factually unsupported. The case having been dismissed and no basis for appeal being apparent,
18 counsel has satisfied the terms of her appointment.
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20

21 Conclusion and Order

22 The terms of appointment having been satisfied and the above-captioned case having been
23 dismissed and closed, the Federal Defender is hereby RELEASED from her appointment as
24 counsel for Petitioner.
25

26 IT IS SO ORDERED.

27 Dated: August 8, 2017

/s/ Sheila K. Oberto

28 UNITED STATES MAGISTRATE JUDGE