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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 JORGE ANTONIO MILAN-RODRIGUEZ,

12 Petitioner,

13 v.

14 LORETTA E. LYNCH,

15 Respondent.

Case No. 1:16-cv-01578-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. § 2241. 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 also 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 he cannot adequately present  
28 the factual issues in this case. Petitioner currently is detained under extremely restrictive

