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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 ALBERT TREVISO,

11 Petitioner,

12 v.

13 DEAN BORDERS, Warden,

14 Respondent.
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CASE NO. 1:16-cv-01845-DAD-SKO HC

ORDER APPOINTING FEDERAL DEFENDER
AS COUNSEL FOR PETITIONER

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

23 Petitioner provides documentation of a hearing impairment and possible developmental disability
24 that limits his ability to read, write, and understand legal materials. He contends that because he did not
25 understand his constitutional rights, he pleaded guilty to crimes that he did not commit. The petition
26 appears to be untimely, and whether it is subject to equitable tolling is unclear.

27 The Court finds that the interests of justice require the appointment of counsel at this time.
28 Pursuant to Rule 8(c) of the Rules Governing Section 2254 Cases, it is hereby ORDERED that the

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Federal Defender is APPOINTED to represent Petitioner. Within ninety (90) days of the date of issuance of this order, counsel shall review the legal and factual basis for the petition and file an amended petition, if appropriate.

IT IS SO ORDERED.

Dated: January 3, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE