UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FERNANDO SINGLETON MILLSAP, aka FERNANDEZ SINGLETON MILLSAP, aka FREDDY ELLIS, Petitioner, v. PEOPLE OF THE STATE OF CALIFORNIA, Respondent.	Case No. 1:17-cv-00793-DAD-EPG-HC ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL (ECF No. 11)

Petitioner is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has requested the appointment of counsel. (ECF No. 11).

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

Petitioner argues that counsel should be appointed because he has limited access to the law library and limited knowledge of the law. Additionally, Petitioner contends that the issues in this case are complex.

Upon review of the petition, the Court finds that Petitioner has a sufficient grasp of his claims for habeas relief and that he is able to articulate those claims adequately. The legal issues involved are not extremely complex, and Petitioner does not demonstrate a likelihood of success on the merits such that the interests of justice require the appointment of counsel at the present time.

Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for appointment of counsel is DENIED without prejudice.

IT IS SO ORDERED.

Dated: **July 6, 2017**

/s/ Eric P. Grosjean
UNITED STATES MAGISTRATE JUDGE