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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MALCOLM YOUNG,

12 Petitioner,

13 v.

14 S. SHERMAN,

15 Respondent.
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Case No. 1:17-cv-00828-LJO-SAB-HC

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(ECF No. 13)

17 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
18 pursuant to 28 U.S.C. § 2254.

19 Petitioner has moved for appointment of counsel. (ECF No. 13). There currently exists no
20 absolute right to appointment of counsel in habeas proceedings. See, e.g., Chaney v. Lewis, 801
21 F.2d 1191, 1196 (9th Cir. 1986); Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958).
22 However, the Criminal Justice Act authorizes the appointment of counsel at any stage of the
23 proceeding for financially eligible persons if “the interests of justice so require.” 18 U.S.C. §
24 3006A(a)(2)(B). See also Rule 8(c), Rules Governing Section 2254 Cases. To determine whether
25 to appoint counsel, the “court must evaluate the likelihood of success on the merits as well as the
26 ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues
27 involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

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1 Petitioner argues that counsel should be appointed due to his limited knowledge of the
2 law, limited access to the law library, and the complexity of the issues involved. Upon review of
3 the petition and the instant motion for appointment of counsel, the Court finds that Petitioner
4 appears to have a sufficient grasp of his claims and the legal issues involved and that he is able to
5 articulate those claims adequately. Further, Petitioner does not demonstrate a likelihood of
6 success on the merits such that the interests of justice require the appointment of counsel at the
7 present time.

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

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11 IT IS SO ORDERED.

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13 Dated: July 24, 2017


UNITED STATES MAGISTRATE JUDGE