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4 UNITED STATES DISTRICT COURT
5 EASTERN DISTRICT OF CALIFORNIA
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7 LUIS CERVANTES,

8 Petitioner,

9 v.

10 ERIC ARNOLD, Warden,

11 Respondent.

CASE NO. 1:17-cv-01379-DAD-SKO HC

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

(Doc. 9)

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14 Petitioner, proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C.
15 § 2254, moves for appointment of counsel.

16 In habeas proceedings, no absolute right to appointment of counsel currently exists. *See, e.g.,*
17 *Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir. 1958); *Mitchell v. Wyrick*, 727 F.2d 773, 774 (8th Cir.
18 1984). Nonetheless, a court may appoint counsel at any stage of the case "if the interests of justice so
19 require." 18 U.S.C. § 3006A(a)(2)(B); Rule 8(c), Rules Governing Section 2254 Cases. The decision to
20 appoint counsel is in the discretion of the district court. *See Chaney v. Lewis*, 801 F.3d 1191, 1196 (9th
21 Cir. 1986, *cert. denied*, 481 U.S. 1023 (1987)). Appointment is mandatory only when the circumstances
22 of a case indicate that appointment of counsel is necessary to prevent a due process violation or when
23 an evidentiary hearing is required. *Chaney*, 801 F.3d at 1196; Rule 8(c).

24 Here, Petitioner contends that the Court should appoint counsel because he needs assistance to
25 properly articulate his case. Petitioner has competently submitted a petition and alleges no basis by
26 which the Court may appoint counsel on his behalf.

27 Petitioner's motion for appointment of counsel is hereby DENIED.
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IT IS SO ORDERED.

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Dated: December 11, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE