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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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9 FRANK X. CARBAJAL, JR.,

10 Petitioner,

11 v.

12 SCOTT KERNAN,

13 Respondent.
14

1:17 -cv-01413 SKO (HC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Doc. 2)

15
16 Petitioner Frank X. Carbajal, Jr., proceeding with a petition for writ of habeas corpus
17 pursuant to 28 U.S.C. § 2254, moves for appointment of counsel.

18 In federal habeas proceedings, no absolute right to appointment of counsel currently
19 exists. *See, e.g., Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir. 1958); *Mitchell v. Wyrick*, 727
20 F.2d 773, 774 (8th Cir. 1984). Nonetheless, a court may appoint counsel at any stage of the case
21 "if the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B); Rule 8(c), Rules Governing
22 Section 2254 Cases. Petitioner contends that the Court should appoint counsel based on
23 Petitioner's indigence, limited library access, and lack of knowledge of the law. Because nearly
24 all prisoners share these characteristics, Petitioner, who has competently submitted a petition,
25 alleges no basis by which the Court may appoint counsel on his behalf.

26 Petitioner's motion for appointment of counsel is hereby DENIED.

27 IT IS SO ORDERED.
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Dated: **October 25, 2017**

/s/ *Sheila K. Oberto*
UNITED STATES MAGISTRATE JUDGE