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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 ARTHUR BOWLSON,
11 Petitioner,
12 v.
13 USP-ATWATER WARDEN,
14 Respondent.

Case No. 1:18-cv-00753-SAB-HC
ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
ORDER GRANTING EXTENSION OF
TIME TO FILE RESPONSE TO MOTION
TO DISMISS
(ECF No. 11)

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16 Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus
17 pursuant to 28 U.S.C. § 2241.

18 Petitioner has moved for appointment of counsel. (ECF No. 11). There currently exists no
19 absolute right to appointment of counsel in habeas proceedings. See, e.g., Chaney v. Lewis, 801
20 F.2d 1191, 1196 (9th Cir. 1986); Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958).
21 However, the Criminal Justice Act authorizes the appointment of counsel at any stage of the
22 proceeding for financially eligible persons if “the interests of justice so require.” 18 U.S.C. §
23 3006A(a)(2)(B). See also Rule 8(c), Rules Governing Section 2254 Cases.¹ To determine
24 whether to appoint counsel, the “court must evaluate the likelihood of success on the merits as
25 well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the
26 legal issues involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

27 ¹ The Rules Governing Section 2254 Cases apply to § 2241 habeas petitions. See Rule 1(b) of the Rules Governing
28 Section 2254 Cases (“The district court may apply any or all of these rules to a habeas corpus petition not covered
by” 28 U.S.C. § 2254.).

1 Petitioner argues that counsel should be appointed because the petition raises complex
2 legal issues and Petitioner has been diagnosed with a mental illness. Upon review of the petition
3 and the motion for appointment of counsel, the Court finds that Petitioner appears to have a
4 sufficient grasp of his claims and the legal issues involved and that he is able to articulate those
5 claims adequately. The legal issues involved are not extremely complex, and Petitioner does not
6 demonstrate a likelihood of success on the merits such that the interests of justice require the
7 appointment of counsel at the present time.

8 Additionally, Petitioner asks for an extension of time to respond to Respondent's motion
9 to dismiss as Petitioner waits for appointment of counsel. Although the Court is not appointing
10 counsel, the Court will grant Petitioner additional time to respond to the motion to dismiss.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The motion for appointment of counsel is DENIED; and
- 13 2. Petitioner is GRANTED to and including September 7, 2018, to file a response to
14 Respondent's motion to dismiss.

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16 IT IS SO ORDERED.

17 Dated: August 8, 2018


UNITED STATES MAGISTRATE JUDGE