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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

GARY RAY BETTENCOURT,  
  
                    Petitioner,  
  
          v.  
  
GORDON SPENCER,  
  
                    Respondent.

Case No. 1:20-cv-01833-EPG-HC  
  
ORDER DENYING PETITIONER’S  
MOTION FOR APPOINTMENT OF  
COUNSEL  
  
(ECF No. 2)

Petitioner is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed a motion for appointment of counsel. (ECF No. 2).

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 the issues in this case are complex and he has a history of medical disabilities and psychiatric impairments. (ECF No. 2 at

1 1-2). Upon review of the petition and the instant motion for appointment of counsel, the Court  
2 finds that Petitioner appears to have a sufficient grasp of his claims and the legal issues involved  
3 and that he is able to articulate those claims adequately. The legal issues involved are not  
4 extremely complex, and Petitioner does not demonstrate a likelihood of success on the merits  
5 such that the interests of justice require the appointment of counsel at the present time.

6 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for appointment of  
7 counsel (ECF No. 2) is DENIED.

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9 IT IS SO ORDERED.

10 Dated: January 6, 2021

11 /s/ Eric P. Gray  
12 UNITED STATES MAGISTRATE JUDGE  
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