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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY M. BUONOCORE,

Petitioner,

No. CIV S-07-1164 GEB JFM P

vs.

KUMA J. DABOO, et al.,

ORDER

Respondents.

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Petitioner is a federal prisoner proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner paid the \$5.00 filing fee for this action.

Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file an answer.

Petitioner has filed a motion for appointment of counsel. In light of the complexity of the legal issues involved, the court has determined that the interests of justice may require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); see also Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983). However, the court cannot determine from the present record whether petitioner is “financially eligible” for such appointment. 18 U.S.C. § 3006A(a)(2)(B). Accordingly, this matter will be referred to the Federal Defender for a determination of whether petitioner is financially eligible for appointment of counsel.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Respondents are directed to file an answer within forty-five days from the date  
3 of this order. Respondents shall include with the answer any and all transcripts or other  
4 documents relevant to the determination of the issues presented in the application.

5 2. Petitioner's traverse, if any, is due on or before thirty days from the date  
6 respondents' answer is filed;

7 3. The Clerk of the Court shall serve a copy of this order together with a copy of  
8 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 on the United  
9 States Attorney for the Eastern District of California;

10 4. This matter is referred to the Federal Defender for determination of whether  
11 petitioner is financially eligible for appointment of counsel;

12 5. The Clerk of the Court is directed to send the Federal Defender a copy of the  
13 court's form Application to Proceed In Forma Pauperis by a Prisoner to be completed by  
14 petitioner in connection with making the required determination; and

15 6. Within fifteen days from the date of this order the Federal Defender shall  
16 report to the court in writing whether petitioner is financially eligible for appointment of counsel.

17 7. The Clerk of the Court is directed to serve a copy of this order on Carolyn  
18 Wiggin, Assistant Federal Defender.

19 DATED: February 6, 2008.

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22 UNITED STATES MAGISTRATE JUDGE

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