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

CHARLES E. JONES,

Petitioner,

No. CIV S-09-2664-MCE-TJB

vs.

KATHY DICKINSON,

Respondent.

ORDER

_____ /

On February 17, 2011, Petitioner filed a motion requesting appointment of counsel. The Sixth Amendment right to counsel does not apply in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). A district court, however, may appoint counsel to represent a habeas petitioner whenever “the court determines that the interests of justice so require,” and such person is financially unable to obtain representation. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the district court’s discretion. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *See Chaney*, 801 F.2d at 1196; *Eskridge v. Rhay*, 345 F.2d 778, 782 (9th Cir. 1965).

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1 Appointment of counsel is not warranted in this case. Petitioner's claims are typical
2 claims arising in a habeas petition and are not especially complex. This is not an exceptional
3 case warranting representation on federal habeas review. Petitioner's request for appointment of
4 counsel is denied.

5 IT IS HEREBY ORDERED that Petitioner's February 17, 2011, request for appointment
6 of counsel (ECF No. 30) is denied.

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10 DATED: February 22, 2011.

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13 TIMOTHY J BOMMER
14 UNITED STATES MAGISTRATE JUDGE
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