UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN WARREN CARPENTER, Petitioner, v. KIM HOLLAND, Respondent.	No. 2:14-cv-0692 JAM AC P ORDER

Petitioner has requested the appointment of counsel. ECF Nos. 21, 24. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. The court's determination of whether the interests of justice require appointment of counsel is guided by an assessment of the petitioner's ability to articulate his claims, the complexity of the legal issues, and the likelihood of success on the merits. Weygandt v. Look, 718 F.2d 952, 954 (9th Cir.1983) (per curiam).

Petitioner's request for counsel appears to be primarily based on his lack of legal knowledge. See ECF Nos. 21, 24. Here, the court notes that the more complex claims included in the instant § 2254 petition were briefed by counsel in the habeas petition submitted to the California Supreme Court. See ECF No. 1 at 6-12, 30-61. Petitioner's remaining claims concern

allegations of ineffective assistance of trial counsel as well as ineffective assistance of appellate counsel for failure to raise various claims on appeal. See ECF No. 1 at 13-27. Petitioner has been able to sufficiently articulate these claims and the issues are not inherently complex. At the present time, the court does not find that the interests of justice would be served by appointment of counsel. The court will therefore deny petitioner's request without prejudice to its renewal should circumstances change.

Accordingly, IT IS HEREBY ORDERED that petitioner's motions for appointment of counsel (ECF Nos. 21 and 24) are denied without prejudice.

DATED: August 24, 2015

Allison Claire

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE