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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	CHANDRA KISHOR,	No. 2:16-cv-2920 JAM CKD P	
12	Petitioner,		
13	v.	ORDER AND	
14	врнт,	FINDINGS AND RECOMMENDATIONS	
15	Respondent.		
16			
17	Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas		
18	corpus pursuant to 28 U.S.C. § 2254 together with a request to proceed in forma pauperis		
19	pursuant to 28 U.S.C. § 1915 and a request for the appointment of counsel.		
20	Examination of the request to proceed in forma pauperis reveals that petitioner is unable		
21	to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis will be		
22	granted. See 28 U.S.C. § 1915(a).		
23	There currently exists no absolute right to appointment of counsel in habeas proceedings.		
24	See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A		
25	authorizes the appointment of counsel at any stage of the case "if the interests of justice so		
26	require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not		
27	find that the interests of justice would be served by the appointment of counsel at the present		
28	time.		

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Under Rule 4 of the Rules Governing Section 2254 Cases, the court must review all petitions for writ of habeas corpus and summarily dismiss any petition if it is plain that the petitioner is not entitled to relief. The court has conducted that review.

While petitioner's habeas petition is generally hard to understand, it appears he challenges the fact that he has been denied parole. As a California prisoner serving an indeterminate sentence, petitioner has a liberty interest in parole protected by the Due Process Clause of the Fourteenth Amendment. Swarthout v. Cooke, 562 U.S. 216, 219-20. (2011). However, the procedural protections which must be afforded with respect to the liberty interest are minimal; the "Constitution does not require more" than "an opportunity to be heard" at a parole hearing and that the potential parolee be "provided a statement of the reasons why parole was denied." Id. at 220. Petitioner does not allege he was denied the opportunity to be heard at a parole hearing nor that he was not given a statement of reasons as to why he was denied parole.

For these reasons, the court will recommend that petitioner's petition for writ of habeas corpus be summarily dismissed.

Accordingly, IT IS HERBY ORDERED that:

- 1. Petitioner's request for leave to proceed in forma pauperis (ECF No. 6) is granted.
- 2. Petitioner's request for the appointment of counsel (ECF No. 3) is denied.

IT IS HEREBY RECOMMENDED that:

- Petitioner's petition for writ of habeas corpus be summarily dismissed; and
- This case be closed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." In his objections petitioner may address whether a certificate of appealability should issue in the event he files an appeal of the judgment in this case. See Rule 11, Federal Rules Governing Section 2254 Cases (the district court must issue or deny a certificate of appealability when it enters a final order adverse to the

1	applicant). Any response to the objections shall be served and filed within fourteen days after	
2	service of the objections. The parties are advised that failure to file objections within the	
3	specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951	
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	F.2d 1153 (9th Cir. 1991).	00101
5	Dated: April 10, 2017	Carop U. Delany
6		CAROLYN K. DELANEY UNITED STATES MAGISTRATE JUDGE
7		UNITED STATES MADISTRATE JUDGE
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