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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 NAPOLEON BROWN,
9 Petitioner,

No. C 11-0977 SI (pr)

**ORDER DENYING APPOINTMENT
OF COUNSEL**

10 v.


11 ATTORNEY GENERAL
12 OF THE STATE OF CALIFORNIA;
13 MICHAEL HENNESSEY,
14 San Francisco Sheriff,

Respondents.
_____ /

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16 Petitioner requests that counsel be appointed to represent him in this action. A district
17 court may appoint counsel to represent a habeas petitioner whenever "the court determines that
18 the interests of justice so require and such person is financially unable to obtain representation."
19 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the
20 district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is
21 mandatory only when the circumstances of a particular case indicate that appointed counsel is
22 necessary to prevent due process violations. *See id.* The interests of justice do not require
23 appointment of counsel in this action. The issues he raises here were fully briefed in state court
24 by his appointed counsel. The request for appointment of counsel is DENIED. (Docket # 10.)

25 IT IS SO ORDERED.

26 DATED: May 19, 2012



27 SUSAN ILLSTON
28 United States District Judge