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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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7 TROY SMITH,

No. C 11-01791 SI

8 Petitioner,

**ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL**

9 v.

10 KEVIN CHAPPELL, in his capacity as Warden
11 of the San Quentin State Prison,

12 Respondent.

13
14 Petitioner requested appointment of counsel on December 12, 2013. Docket No. 34. A district
15 court may appoint counsel to represent a habeas petitioner whenever "the court determines that the
16 interests of justice so require" and such person is financially unable to obtain representation. 18 U.S.C.
17 § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See*
18 *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is mandatory only when the
19 circumstances of a particular case indicate that appointed counsel is necessary to prevent due process
20 violations. *See id.* The interests of justice do not require appointment of counsel in this action. The
21 request for appointment of counsel is DENIED.

22
23 **IT IS SO ORDERED.**

24 Dated: February 6, 2014



25 _____
26 SUSAN ILLSTON
27 UNITED STATES DISTRICT JUDGE
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