

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIC WILLIAM TREADAWAY,
Petitioner,

No. C 11-2640 SI (pr)

ORDER

v.

M D. BITER, warden,
Respondent.

_____ /

Petitioner requests that counsel be appointed to represent him in this action. A district court 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 discretion of the district court. *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 id.* The interests of justice do not require appointment of counsel in this action. The request for appointment of counsel is DENIED. (Docket # 10.)


In light of the possibility that petitioner was waiting for a ruling on the motion for appointment of counsel before filing his opposition to respondent's motion to dismiss, the court

United States District Court
For the Northern District of California

1 will set new deadlines on that motion. Petitioner must file and serve his opposition to the motion
2 to dismiss on or before **January 20, 2012**. Respondent must file and serve any reply brief on
3 or before **February 6, 2012**.

4 IT IS SO ORDERED.

5 DATED: December 16, 2011



6 SUSAN ILLSTON
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28