

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GUSTAVO RODARTE,	No. C 12-5340 JSW (PR)
Petitioner,	ORDER DENYING REQUEST FOR APPOINTMENT OF COUNSEL
v.	
M.E. SPEARMAN, Warden,	(Docket No. 10)
Respondent.	

Petitioner's request for appointment of counsel is DENIED without prejudice. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986) (unless an evidentiary hearing is required, the decision to appoint counsel in habeas corpus proceedings is within the discretion of the district court). Petitioner clearly presented his claims for relief in the petition and an order to show cause issued. *Accord Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir. 1984) (although petitioner had no background in law, denial of appointment of counsel within discretion of district court where petitioner clearly presented issues in petition and accompanying memorandum). If the circumstances of the case materially change, the Court will reconsider this decision sua sponte.

The clerk shall terminate the motion in docket number 10.

SO ORDERED.

DATED: APR 01 2013



JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GUSTAVO RODARTE,
Plaintiff,

Case Number: CV12-05340 JSW
CERTIFICATE OF SERVICE

v.

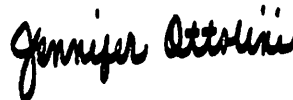
M.E. SPEARMAN et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 1, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gustavo Rodarte C-72196
P.O. Box 689-YW-312
Soledad, CA 93960

Dated: April 1, 2013



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk