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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERIC VERNON PARKER,  
Petitioner,  
v.  
M. E. SPEARMAN,  
Respondent.

Case No. [15-cv-02431-VC](#) (PR)

**ORDER DENYING  
PETITIONER’S REQUEST FOR  
APPOINTMENT OF COUNSEL**

Dkt. No. 5

On July 16, 2015, Eric V. Parker filed a motion for appointment of counsel in this habeas action. The Sixth Amendment right to counsel does not apply in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). Title 18 U.S.C. § 3006A(a)(2)(B), however, authorizes a district court to 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. Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986).

The Court finds that due process concerns and the interests of justice do not require appointment of counsel at this time. Therefore, Parker’s motion is DENIED. This denial is without prejudice to the Court’s *sua sponte* reconsideration should it find appointment of counsel is necessary following consideration of the merits of Parker’s claims.

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This Order terminates Docket No. 5.

**IT IS SO ORDERED.**

Dated: July 30, 2015



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VINCE CHHABRIA  
United States District Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERIC VERNON PARKER,  
Plaintiff,  
v.  
M. E. SPEARMAN,  
Defendant.

Case No. [15-cv-02431-VC](#)

**CERTIFICATE OF SERVICE**


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 July 30, 2015, 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.

Eric Vernon Parker ID: G-02354  
CTF North A RB131 low  
PO Box 705  
Soledad, CA 93960

Dated: July 30, 2015

Richard W. Wieking  
Clerk, United States District Court

By:   
Kristen Melen, Deputy Clerk to the  
Honorable VINCE CHHABRIA