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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID A. NWAONUMAH,  
Petitioner,  
v.  
M. E. SPEARMAN,  
Respondent.

Case No. [15-cv-04196-JCS](#) (PR)

**ORDER DENYING MOTION FOR  
THE APPOINTMENT OF COUNSEL**

Dkt. No. 4

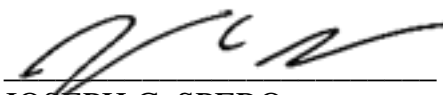
Petitioner moves for the appointment of counsel. (Docket No. 4.) He contends that the “jailhouse lawyer” who prepared his habeas petition will no longer be available, and he asserts without elaboration that he “requires assistance of counsel.” (*Id.*) There is no right to counsel in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). A district court is authorized under 18 U.S.C. § 3006A(a)(2)(B) 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. 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), and should be granted only when exceptional circumstances are present. *See generally* 1 J. Liebman & R. Hertz, *Federal Habeas Corpus Practice and Procedure* § 12.3b at 383-86 (2d ed. 1994).

Petitioner has provided no reason to justify the appointment of counsel, other than that he “requires” it. This undetailed assertion is insufficient to show that extraordinary circumstances exist. Accordingly, the motion is DENIED.

The Clerk shall terminate Docket No. 4.

**IT IS SO ORDERED.**

Dated: February 8, 2016

  
JOSEPH C. SPERO  
Chief Magistrate Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID A. NWAONUMAH,

Plaintiff,

v.

M. E. SPEARMAN,

Defendant.

Case No. [15-cv-04196-JCS](#)

**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 February 8, 2016, 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.

David A. Nwaonumah ID: #: K89261  
Correctional Training Facility  
P.O. Box 705  
Soledad, CA 93960

Dated: February 8, 2016

Susan Y. Soong  
Clerk, United States District Court

By: Karen L. Hom  
Karen Hom, Deputy Clerk to the  
Honorable JOSEPH C. SPERO