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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KASEEM ADAMS,

Petitioner,

v.

RON DAVIS,

Respondent.

Case No. [15-cv-04358-EMC](#)**ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL**

Docket No. 9

Petitioner has requested 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 at this time. The request for appointment of counsel is **DENIED**. Docket No. 9.

Petitioner states in his request for counsel that he is being moved to a level 3 facility and he might not be able to timely respond to a motion to dismiss or answer. But respondent has not yet filed a motion to dismiss or an answer, so Petitioner does not yet know whether he will need additional time. If, *after he receives* the motion to dismiss or answer, Petitioner is unable to prepare an opposition or traverse, he may then request an extension of the deadline. It is premature to do so now. Petitioner is reminded to promptly sent a notice of change of address to the Court and opposing counsel each time he is moved to a new prison or if he is released from

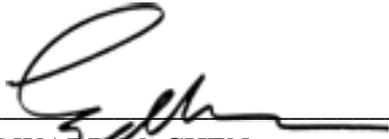
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prison.

Finally, a briefing schedule was set in the January 6, 2016 Order Reopening Case; Order To Show Cause, before this action was reassigned to the undersigned. The parties are reminded that the briefing schedule in that order remains in place.

IT IS SO ORDERED.

Dated: February 29, 2016


EDWARD M. CHEN
United States District Judge