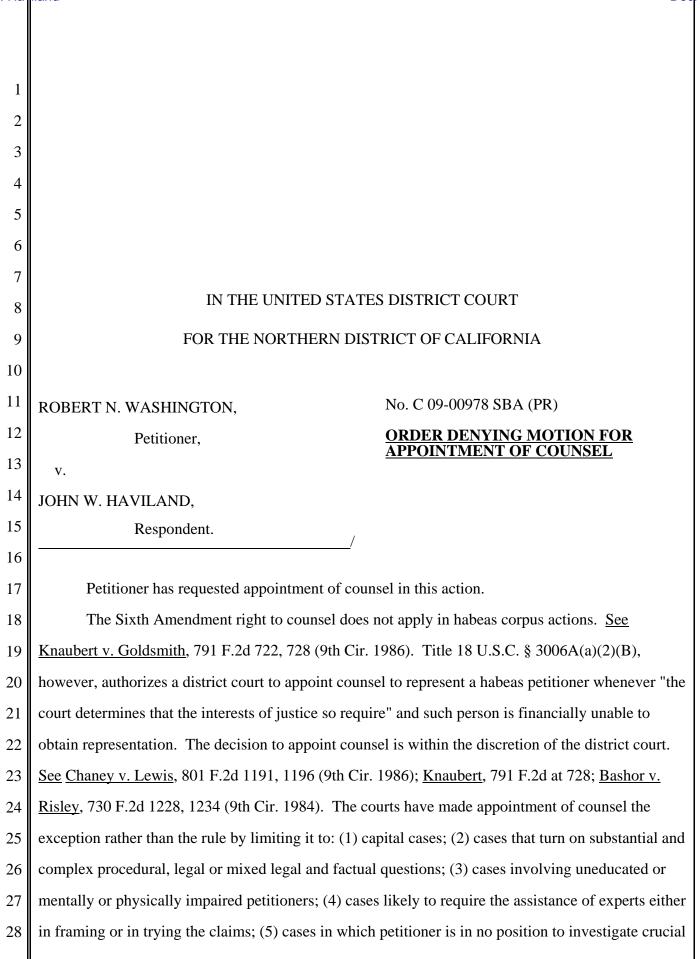
For the Northern District of California

United States District Court



facts; and (6) factually complex cases. <u>See generally</u> 1 J. Liebman & R. Hertz, <u>Federal Habeas</u>
<u>Corpus Practice and Procedure</u> § 12.3b at 383-86 (2d ed. 1994). Appointment is mandatory only
when the circumstances of a particular case indicate that appointed counsel is necessary to prevent
due process violations. <u>See Chaney</u>, 801 F.2d at 1196; <u>Eskridge v. Rhay</u>, 345 F.2d 778, 782 (9th
Cir. 1965).

At this time, the Court is unable to determine whether the appointment of counsel is mandated for Petitioner. Accordingly, the interests of justice do not require appointment of counsel, and Petitioner's request is DENIED. This denial is without prejudice to the Court's <u>sua sponte</u> reconsideration should the Court find an evidentiary hearing necessary following consideration of the merits of Petitioner's claims.

This Order terminates Docket no. 6.

IT IS SO ORDERED.

13 Dated: <u>12/17/09</u>

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SAUNDRA BROWN ARMSTRONG UNITED STATES DISTRICT JUDGE

1	UNITED STATES DISTRICT COURT FOR THE
2	NORTHERN DISTRICT OF CALIFORNIA
3	ROBERT N. WASHINGTON,
4	Case Number: CV09-00978 SBA Plaintiff,
5	V. CERTIFICATE OF SERVICE
6	/ et al,
7	Defendant.
8	/
9	I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10	Court, Northern District of California.
11	That on December 21, 2009, 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
12	envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.
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14	
15	Robert N. Washington P72776 California State Prison - Solano
16	P.O. Box 4000 Vacaville, CA 945696-4000
17	Dated: December 21, 2009
18	Richard W. Wieking, Clerk By: LISA R CLARK, Deputy Clerk
19	by. Librar CLARR, Deputy Clerk
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United States District Court For the Northern District of California