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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES T MCCARTHY,
Petitioner,
v.
SCOTT FRAUENHEIM, Warden,
Respondent.

Case No. 16-cv-06820-HSG (PR)

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**


Re: Dkt. No. 13

Petitioner has filed a motion for appointment of counsel, arguing that he requires the assistance of counsel for discovery and an evidentiary hearing. The Sixth Amendment's right to counsel does not apply in habeas actions. *Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). Pursuant to statute, however, a district court is authorized 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." *See* 18 U.S.C. § 3006A(a)(2)(B). Here, the habeas petition is fully briefed, and the interests of justice do not require the appointment of counsel at this time. Accordingly, Petitioner's motion for appointment of counsel is DENIED. Should the circumstances of the case materially change, the Court may reconsider Petitioner's request *sua sponte*.

This order terminates Docket No. 13.

IT IS SO ORDERED.

Dated: 11/9/2017


HAYWOOD S. GILLIAM, JR.
United States District JudgeUnited States District Court
Northern District of California