

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ISAAC FLORES,

No. C 10-2773 RMW (PR)

Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

v.

GREG LEWIS, Acting Warden,

Respondent.

_____/ (Docket No. 27)

Petitioner, a California state prisoner, filed a pro se petition for a writ of habeas corpus. Petitioner requests appointment of counsel because he is indigent and cannot afford counsel. However, the Sixth Amendment’s right to counsel does not apply in habeas corpus actions. Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). While 18 U.S. C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner if “the court determines that the interests of justice so require,” the courts have made appointment of counsel the exception rather than the rule. Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. See Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Petitioner has thus far been able to adequately present his claims for relief. Respondent has produced the state record, and the case has been fully briefed and is under submission. No evidentiary hearing appears necessary in this case, nor are any other extraordinary circumstances apparent. Accordingly, the court concludes that appointment of counsel is not necessary at this time. Petitioner’s motion for appointment of counsel (docket no. 27) is DENIED without prejudice.

IT IS SO ORDERED.

DATED: _____



RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ISAAC FLORES,
Plaintiff,

Case Number: CV10-02773 RMW

CERTIFICATE OF SERVICE

v.

FRANCISCO JACQUEZ et al,
Defendant.

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 March 6, 2012, 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.

Isaac Flores D 50574
Pelican Bay State Prison (SHU)
Housing: D-7-112
P.O. Box 7500
Crescent City, CA 95532-7500

Dated: March 6, 2012

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk