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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CONTRERAS,
Petitioner,

v.

CATE,
Respondent.

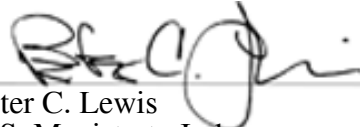
08cv572 DMS (PCL)
**ORDER DENYING MOTION TO
APPOINT COUNSEL**
(Doc. 36.)

Contreras filed a Motion To Appoint Counsel on March 3, 2010. (Dkt No. 36.) Every defendant has an absolute right to counsel on direct appeal from a conviction, but there is no constitutional right to appointment of counsel in state or federal collateral proceedings. Coleman v. Thompson, 501 U.S. 722, 756-57 (1991). Nevertheless, when a federal court "determines that the interests of justice so require, representation may be provided for any financially eligible person who" is seeking relief under 28 U.S.C. § 2254. 18 U.S.C. § 3006A(a)(2)(B); *see* Bashor v. Risley, 730 F.2d 1228, 1234 (9th Cir. 1984) (the appointment of counsel to represent an indigent petitioner collaterally attacking a conviction is discretionary with the court, unless an evidentiary hearing is necessary, in which case appointment of counsel is mandatory); *see also* Rules Governing § 2254 Cases, Rule 8(c). Courts consider various factors in exercising their discretion to decide whether counsel should be appointed. Those factors include the factual or legal complexity of the petition, the likelihood of success on the merits, and the petitioner's understanding of issues and capability

1 to investigate and to present the claims himself. *See LaMere v. Risley*, 827 F.2d 622, 626 (9th Cir.
2 1987) (no abuse of discretion to deny appointment of counsel when district court pleadings
3 demonstrated petitioner's "good understanding of the issues and the ability to present forcefully and
4 coherently his contentions"). Contreras has extensively articulated his arguments and authority, and
5 his claims present no unusual factual or legal complexity. The motion is **DENIED**.

6 **IT IS SO ORDERED.**

7 DATED: March 29, 2010

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10 Peter C. Lewis
11 U.S. Magistrate Judge
12 United States District Court
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