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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TRISTAN CARL PABLO,

Plaintiff,

vs.

ERIC HOLDER, Attorney General,

Defendant.

CASE NO. 10-CV-1571 H (AIB)

ORDER:

- (1) DENYING MOTION FOR APPOINTMENT OF COUNSEL**
- (2) GRANTING MOTION TO PROCEED IN FORMA PAUPERIS**
- (3) SETTING SCHEDULE**

On July 27, 2010, Tristan Carl Pablo (“Petitioner”) filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 along with motions to proceed in forma pauperis and for appointment of counsel. (Doc. Nos. 1–3.)

I. Motion for Appointment of Counsel

Under 18 U.S.C. § 3006A(a)(2)(B), a district court may appoint counsel for an impoverished Petitioner seeking relief under 28 U.S.C. § 2241 when “the interests of justice so require” This determination is within the discretion of the district court. See Bashor v. Risley, 730 F.2d 1228, 1234 (9th Cir. 1984). Here, the petition sets forth its grounds for relief with reasonable clarity, and the Court believes that Petitioner will be able to sufficiently represent himself in the remaining proceedings. At this stage of the proceedings, the Court

1 concludes that the interests of justice do not require appointment of counsel. Therefore, the
2 Court DENIES petitioner's request for appointment of counsel without prejudice.

3 **II. Motion to Proceed In Forma Pauperis**

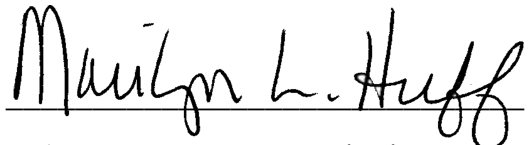
4 An action may proceed despite a plaintiff's failure to prepay the entire fee only if the
5 court grants the plaintiff leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).
6 See Rodriguez v. Cook, 169 F.3d 1176, 1177 (9th Cir. 1999). Plaintiff has submitted an
7 affidavit that sufficiently shows that he lacks the financial resources to pay filing fees. (Doc.
8 No. 2.) Therefore, the Court GRANTS Plaintiff leave to proceed in forma pauperis.

9 **III. Scheduling**

10 The government shall file its response to the petition by September 13, 2010. The
11 response shall include any and all documents relevant to the determination of the issues raised
12 by the petition. Petitioner may file an optional reply by October 13, 2010. Absent a
13 subsequent order to the contrary, the Court may submit this matter on the papers pursuant to
14 Local Civil Rule 7.1(d)(1).

15 **IT IS SO ORDERED.**

16 DATED: July 30, 2010



MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT

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