

1 required to prepay fees or costs and without being required to post security. The Clerk of the
2 Court shall file the Petition for Writ of Habeas Corpus without prepayment of the filing fee.

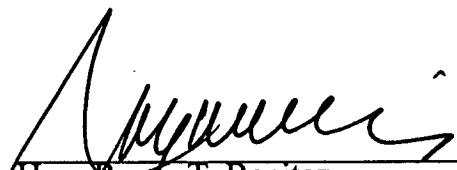
3 **II. Motion for Appointment of Counsel**

4 The Court may appoint counsel for habeas petitioners if “the interests of justice so
5 require.” 18 U.S.C. § 3006A(a)(2)(B). Unless an evidentiary hearing is required, appointment
6 of counsel under 18 U.S.C. § 3006A(a)(2)(B) is in the discretion of the district court. *Terrovona*
7 *v. Kincheloe*, 912 F.2d 1176, 1181-82 (9th Cir. 1990). In determining whether to appoint
8 counsel, the Court evaluates the likelihood of success on the merits and the ability of the
9 petitioner to articulate his claims in light of the complexity of the legal issues involved. *See*
10 *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983) (per curiam).

11 Analyzed under *Weygandt*, Petitioner’s motion for appointment of counsel should be
12 denied because his Petition is not complex and does not require an evidentiary hearing.
13 Petitioner has competently raised the relevant legal issues and his inability to pay private counsel
14 is not sufficient to warrant the appointment of counsel. *See Wood v. Housewright*, 900 F.2d
15 1332, 1335-36 (difficulties that any litigant would have in proceeding pro se are not exceptional
16 factors or circumstances warranting appointment of counsel). Accordingly, Petitioner’s motion
17 for appointment of counsel is **DENIED**.

18 **IT IS SO ORDERED.**

19 Date: May 9, 2011



Hon. Roger T. Benitez
United States District Court Judge

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