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

ROMAN GORLACHEV,

Plaintiff,

v.

JEH JOHNSON, Secretary of the
Department of Homeland Security, et
al.,

Defendants.

CASE NO. 14-cv-2861-GPC-JMA

ORDER

**(1) GRANTING MOTION FOR
APPOINTMENT OF COUNSEL;**

[Dkt. No. 3.]

**(2) REQUIRING RESPONSE FROM
GOVERNMENT**

[Dkt. No. 1.]

Petitioner Roman Gorlachev (“Petitioner”), a Department of Homeland Security detainee, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, together with a motion for appointment of counsel pursuant to 18 U.S.C. § 3006A. (Dkt. Nos. 1, 3.)


Under 18 U.S.C. § 3006A(a)(2)(B), a district court may appoint counsel for a financially eligible habeas petitioner whenever “the court determines that the interest of justice so require.” In deciding whether to appoint counsel, the district court “must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983) (per curiam).

1 The Supreme Court has held that a post-removal detention exceeding six months
2 is presumptively unreasonable. See *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).
3 Here, Petitioner’s claim that he has been detained for more than eight months following
4 a final removability determination, if true, triggers the *Zadvydas* presumption, which
5 indicates a strong likelihood of success on the merits on a complex petition. See
6 *United States v. Ahumada-Aguilar*, 295 F.3d 943, 950 (9th Cir. 2002) (“With only a
7 small degree of hyperbole, the immigration laws have been termed ‘second only to the
8 Internal Revenue Code in complexity.’” (citation omitted)). Moreover, Petitioner is
9 financially eligible for appointment of counsel as his request to proceed in forma
10 pauperis reflects only a \$52.49 trust account balance at the facility in which he is
11 presently confined, and no assets or income. (Dkt. No. 2 at 2-4.) Accordingly, the
12 Court grants Petitioner’s motion to appoint counsel, and appoints Federal Defenders
13 of San Diego, Inc. (James Fife) as Petitioner’s counsel in this case.

14 The United States Attorney shall file and serve a response no later than
15 **February 27, 2015**. The Government’s response shall include all documents relevant
16 to the issues raised in the petition. Any reply shall be due by **March 27, 2015**.

17 **IT IS SO ORDERED.**

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19 DATED: January 29, 2015

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21 HON. GONZALO P. CURIEL
22 United States District Judge
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