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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 LARRY LUIS TORRES,
12 Petitioner,
13 v.
14 STUART SHERMAN, Warden,
15 Respondent.
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Case No.: 17CV978 MMA (BGS)

ORDER:

**(1) DENYING EX PARTE MOTION
FOR APPOINTMENT OF COUNSEL
TO FILE TRAVERSE TO
RESPONDENT'S ANSWER TO
PETITION
(2) GRANTING APPLICATION FOR
A 30-DAY ENLARGEMENT OF
TIME TO FILE TRAVERSE TO
RESPONDENT'S ANSWER**

[ECF Nos. 13, 15]

23 Petitioner Larry Luis Torres has filed an Ex Parte Motion for Appointment of
24 Counsel to File Traverse to Respondent's Answer to Petition and an Ex Parte Application
25 for a 30-Day Enlargement of Time to File Traverse to Respondent's Answer to the
26 Petitioner for Writ of Habeas Corpus. (ECF Nos. 13, 15.) Petitioner seek appointment of
27 counsel for purposes of filing a Traverse on his behalf. (*Id.* at 2.) He indicates that he
28 needs counsel to file the Traverse because he is awaiting transfer and expects to be

1 without his property until the requested December 10, 2017¹ deadline to file his Traverse.
2 (*Id.*)

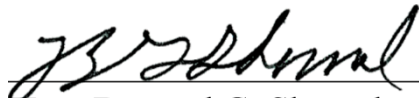
3 The Sixth Amendment right to counsel does not extend to federal habeas corpus
4 actions by state prisoners. *McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *Chaney v.*
5 *Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986); *Knaubert v. Goldsmith*, 791 F.2d 722, 728
6 (9th Cir. 1986). In the Ninth Circuit, “[i]ndigent state prisoners applying for habeas
7 corpus relief are not entitled to appointed counsel unless the circumstances of a particular
8 case indicate that appointed counsel is necessary to prevent due process violations.”
9 *Chaney*, 801 F.2d at 1196; *Knaubert*, 791 F.2d at 728-29. Although the Court has
10 “discretion to appoint counsel for indigents when it determines ‘that the interests of
11 justice so require.’” *Chaney*, 801 F.2d at 1196 (quoting 18 U.S.C. § 3006A(g)).

12 Here, the only basis put forward for appointment of counsel is Petitioner’s transfer
13 and the impact that may have on his ability to timely file his Traverse due to limitations
14 on his access to his legal materials. To the extent this could constitute a due process
15 violation, it is better remedied through an additional extension of time beyond when
16 Petitioner expects to regain access to his legal materials.

17 Accordingly, Petitioner’s request for appointment of counsel is **DENIED** and his
18 request for an extension of time to file his Traverse is **GRANTED**. Petitioner must file
19 his Traverse on or before **January 10, 2018**.

20 **IT IS SO ORDERED.**

21 Dated: November 22, 2017

22 
23 Hon. Bernard G. Skomal
24 United States Magistrate Judge

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¹ Petitioner’s Traverse is currently due on November 10, 2017.