

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 ANDREW VALLES,

12 Petitioner,

13 v.

14 KATHLEEN ALLISON, Secretary,

15 Respondent.

Case No.: 21-CV-819-GPC-WVG

**ORDER DENYING WITHOUT
PREJUDICE PETITIONER'S
MOTION TO APPOINT COUNSEL**

16
17 **I. BACKGROUND**

18 On January 3, 2022, Andrew Valles (“Petitioner”) filed a Motion to Appoint
19 Counsel. (Doc. No. 15.) In doing so, Petitioner moved the Court for an order appointing
20 counsel to act on his behalf and noted the Court “has already approved the Plaintiff’s
21 application to file the matter in forma pauperis.” (*Id.* at 1.) Petitioner made no other
22 representations in his filing.

23 **II. APPLICABLE LAW**

24 The Sixth Amendment right to counsel does not extend to federal habeas corpus
25 actions by state prisoners. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Chaney v.*
26 *Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986); *Knaubert v. Goldsmith*, 791 F.2d 722, 728
27 (9th Cir. 1986). However, financially eligible habeas petitioners seeking relief pursuant to
28 28 U.S.C. § 2254 may obtain representation whenever the court “determines that the

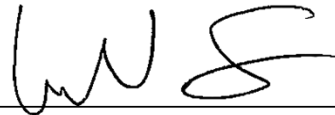
1 interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B) (West 2000); *Terrovona v.*
2 *Kincheloe*, 912 F.2d 1176, 1181 (9th Cir. 1990); *Bashor v. Risley*, 730 F.2d 1228, 1234
3 (9th Cir. 1984). In the Ninth Circuit, “[i]ndigent state prisoners applying for habeas relief
4 are not entitled to appointed counsel unless the circumstances of a particular case indicate
5 that appointed counsel is necessary to prevent due process violations.” *Chaney*, 801 F.2d
6 at 1196; *Knaubert*, 791 F.2d at 728-29.

7 **III. DISCUSSION**

8 Petitioner’s Motion to Appoint Counsel is **DENIED** without prejudice. Petitioner
9 offers no grounds in support of his Motion, thus leaving the Court with no basis to consider
10 granting his request. For this reason, the Court DENIES without prejudice Petitioner’s
11 Motion to Appoint Counsel.

12 **IT IS SO ORDERED.**

13 Dated: January 11, 2022

14 

15 _____
16 Hon. William V. Gallo
17 United States Magistrate Judge
18
19
20
21
22
23
24
25
26
27
28