

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MICHELLE BOTT-GRAHAM)	
)	
Petitioner,)	Case No. CV 09-0065-E-LMB
)	
vs.)	
)	ORDER
SIXTH JUDICIAL DISTRICT,)	
)	
Respondent.)	
_____)	

Pending before the Court in this habeas corpus matter is Petitioner’s Motion for the Appointment of Counsel. (Docket No. 12.) The Court has the discretion to appoint counsel for an indigent petitioner in any habeas case where required by the interests of justice. 28 U.S.C. § 2254(h); 18 U.S.C. § 3006A(a)(2)(B). Whether counsel should be appointed turns on Petitioner’s ability to articulate her claims in light of the complexity of the legal issues and her likelihood of success on the merits. *See Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

The Court previously denied the appointment of counsel, without prejudice, and Petitioner has not convinced the Court to reconsider that decision. Petitioner has been able to articulate her claims, which do not appear to be overly complex, and it is unclear at this early stage of the proceeding whether any claims are potentially meritorious. Accordingly, the Motion will be denied.

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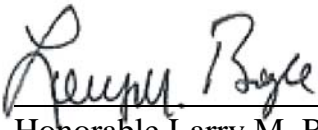
ORDER

NOW THEREFORE IT IS HEREBY ORDERED that Petitioner's Motion for the Appointment of Counsel (Docket No. 12) is DENIED without prejudice.

IT IS FURTHER ORDERED that Respondent's Motion for Extension of Time (Docket No. 15) is GRANTED. Respondent shall file an answer or an appropriate pre-answer motion to dismiss on or before July 27, 2009.



DATED: **July 14, 2009.**



Honorable Larry M. Boyle
United States Magistrate Judge