

UNITED STATES DISTRICT COURT b
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION
SECTION P
ZHI QIANG YE CIVIL ACTION NO. 1:16-CV-01742
VERSUS CHIEF JUDGE DRELL
PHILLIP T. MILLER, *et al.* MAGISTRATE JUDGE PEREZ-MONTES

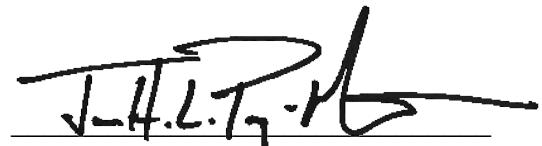
MEMORANDUM ORDER

Petitioner Zhi Qiang Ye (“Ye”) applied to this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and Zadvydas v. Davis, 533 U.S. 678 (2001). A show cause hearing will be held in this matter. Since it has been shown that Ye is not capable of understanding or participating in a meaningful way in a legal proceeding, counsel must be appointed for him.

Appointment of counsel is available for habeas corpus petitioners under 18 U.S.C. §3006A, when necessary in the interest of justice. Habeas Corpus Rule 8(c). There is a right to counsel in a habeas case when the district court determines that an evidentiary hearing is required. Swazo v. Wyoming Dept. of Corrections, 23 F.3d 333-34 (10th Cir. 1994), citing U.S. v. Vasquez, 7 F.3d 81, 84 (5th Cir. 1993).

Accordingly, IT IS ORDERED that the Federal Public Defender is appointed to represent Ye for the purpose of holding an evidentiary hearing in the above-captioned case.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana on this
25th day of April, 2017.



Joseph H.L. Perez-Montes
United States Magistrate Judge