

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KENNETH COUNTS,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:11-cv-01571-JAD-GWF

**ORDER**

Petitioner has submitted an *ex parte* motion for appointment of counsel (Dkt. #13) and a motion to appoint counsel (Dkt. #14). Whenever the court determines that the interests of justice so require, counsel may be appointed to any financially eligible person who is seeking habeas corpus relief. 18 U.S.C. § 3006A(a)(2)(B). “[T]he 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 (9th Cir. 1983). There is no constitutional right to counsel in federal habeas proceedings. *McCleskey v. Zant*, 499 U.S. 467, 495 (1991). The factors to consider are not separate from the underlying claims, but are intrinsically enmeshed with them. *Weygandt*, 718 F.2d at 954. After reviewing the petition, the court finds that appointment of counsel is not warranted.

Respondents have submitted a motion for enlargement of time (first request) (Dkt. #15), which the court grants.

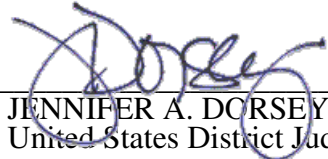
**IT IS THEREFORE ORDERED** that petitioner’s ex parte motion for appointment of counsel (Dkt. #13) is **DENIED**.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS FURTHER ORDERED** that petitioner’s motion to appoint counsel (Dkt. #14) is **DENIED**.

**IT IS FURTHER ORDERED** that respondents’ motion for enlargement of time (first request) (Dkt. #15) is **GRANTED**. Respondents shall have through January 22, 2014, to file and serve an answer or other response to the petition for a writ of habeas corpus.

DATED: December 20, 2013.

  
\_\_\_\_\_  
JENNIFER A. DORSEY  
United States District Judge