

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

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PABLO RAMON GUERRERO, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 BRIAN E. WILLIAMS, *et al.*, )  
 )  
 Respondents. )

2:13-CV-00328-JCM-CWH

**ORDER**

Petitioner Pablo Ramon Guerrero has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF #1-1) and has now paid the filing fee (*see* ECF #4).

Petitioner has filed a motion for appointment of counsel (ECF #2). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Here, it appears that the claims are somewhat

1 complex. Additionally, petitioner is serving two consecutive sentences of 15 years to life in prison.  
2 Accordingly, petitioner's motion for appointment of counsel is granted.

3 **IT IS THEREFORE ORDERED** that the clerk **DETACH** and **FILE** the petition (ECF  
4 #1-1.)

5 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF  
6 #2) is **GRANTED**.

7 **IT IS FURTHER ORDERED** that the federal public defender for the District of Nevada  
8 ("FPD") is appointed to represent petitioner.

9 **IT IS FURTHER ORDERED** that the clerk shall **ELECTRONICALLY SERVE** the  
10 FPD a copy of this order, together with a copy of the petition for writ of habeas corpus (ECF #1-1). The  
11 FPD shall have thirty (30) days from the date of entry of this order to file a notice of appearance or to  
12 indicate to the court its inability to represent petitioner in these proceedings.

13 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case,  
14 the court will issue a scheduling order, which will, among other things, set a deadline for the filing of  
15 a first amended petition.

16 Dated April 1, 2013.

17   
18 UNITED STATES DISTRICT JUDGE

19  
20  
21  
22  
23  
24  
25  
26