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**UNITED STATES DISTRICT COURT**

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**DISTRICT OF NEVADA**

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8 JESSICA BARRAZA,

9           Petitioner,

2:14-cv-01185-APG-PAL

10 vs.

**ORDER**11 J. GENTRY, *et al.*,

12           Respondents.

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15           In this habeas corpus action, the respondents filed a motion to dismiss on July 14, 2015  
16 (ECF No. 10).

17           On July 27, 2015, the petitioner, Jessica Barraza, filed three motions: a motion for  
18 appointment of counsel (ECF No. 13), a motion for an extension of time to respond to the motion to  
19 dismiss (ECF No. 14), and a motion for stay (ECF No. 15) requesting that she not be required to  
20 respond to the motion to dismiss until the motion for appointment of counsel and the motion for  
21 extension of time are resolved.

22           “Indigent state prisoners applying for habeas corpus relief are not entitled to appointed  
23 counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to  
24 prevent due process violations.” *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986) (citing  
25 *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir.1970) (per curiam). The court may, however, appoint  
26 counsel at any stage of the proceedings “if the interests of justice so require.” *See* 18 U.S.C.

1 § 3006A; *see also* Rule 8(c), Rules Governing Section 2254 Cases in the United States District  
2 Courts; *Chaney*, 801 F.2d at 1196. The court finds that appointment of counsel is not warranted in  
3 this case. The motion for appointment of counsel will be denied.

4 The court will grant Barraza's motion for an extension of time to respond to the motion to  
5 dismiss, albeit not for the length of time she requests. Barraza's response to the motion to dismiss is  
6 currently due on August 31, 2015. *See* Order entered June 2, 2015 (ECF No. 9). The court will  
7 extend that deadline to grant Barraza an extension of time to November 20, 2015. After Barraza  
8 responds to the motion to dismiss, respondents will have 30 days to file a reply in support of the  
9 motion to dismiss. *See id.* The court will not look favorably upon any motion to further extend  
10 either of these deadlines.

11 The resolutions of the motion for appointment of counsel and the motion for extension of  
12 time render moot the motion for stay, and the court will deny that motion on that ground.

13 **IT IS THEREFORE ORDERED** that petitioner's Motion to Appoint Counsel (ECF No.  
14 13) is **DENIED**.

15 **IT IS FURTHER ORDERED** that petitioner's motion for extension of time (ECF No. 14)  
16 is **GRANTED IN PART AND DENIED IN PART**. Petitioner shall have until and including  
17 **November 20, 2015** to respond to the motion to dismiss.

18 **IT IS FURTHER ORDERED** that petitioner's motion for stay (ECF No. 15) is **DENIED** as  
19 moot.

20 Dated: August 4, 2015.

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24 UNITED STATES DISTRICT JUDGE  
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