

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARTIN SALAZAR CASTRO,

Case No. 2:16-cv-01237-MMD-GWF

Petitioner,

ORDER

v.

DWIGHT NEVEN, et al.,

Respondents.

On August 7, 2017, this court granted respondents' motion to dismiss, concluding that grounds 2(B) and 2(C) of petitioner Martin Salazar Castro's *pro se* § 2254 habeas corpus petition were unexhausted (ECF No. 22). The court directed Castro, within thirty days, to either: (1) inform this court in a sworn declaration that he wishes to formally and forever abandon the unexhausted grounds for relief in his federal habeas petition and proceed on the exhausted grounds; OR (2) inform this court in a sworn declaration that he wishes to dismiss this petition without prejudice in order to return to state court to exhaust his unexhausted claims; OR (3) file a motion for a stay and abeyance, asking this court to hold his exhausted claims in abeyance while he returns to state court to exhaust his unexhausted claims. *Id.* Castro has filed a motion for extension of time to respond to the court's order (ECF No. 23). Good cause appearing, the motion will be granted.

Castro has also filed another motion for appointment of counsel (ECF No. 24). As the court has previously stated, 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). Castro has not presented additional

1 arguments to persuade the court that counsel is justified in this case. Accordingly, the
2 motion for appointment of counsel shall be denied.

3 It is therefore ordered that petitioner's motion for extension of time to respond to
4 this court's order dated August 7, 2017 (ECF No. 23) is granted. Petitioner will have forty-
5 five (45) days from the date of this order to respond to the Court's order.

6 It is further ordered petitioner's motion for appointment of counsel (ECF No. 24) is
7 denied.

8 DATED this 22nd day of August 2017.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written above a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE