UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DENNIS R. GARCIA, Petitioner, vs. BRIAN WILLIAMS, *et al.*, Respondents.	2:17-cv-00485-JCM-GWF **ORDER**

On December 29, 1017, petitioner Garcia filed a motion for appointment of counsel. ECF No. 15. This court denied Garcia' prior motion for appointment of counsel in its initial screening order. ECF No. 8.

Having considered Garcia's points and authorities and reviewed his filings in this case, the court stands by its decision to deny appointment counsel. As noted in the court's prior order, there is no constitutional right to counsel in a habeas proceeding. *Bonin v. Vasquez*, 999 F.2d 425, 429 (9th Cir. 1993). "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances indicate that appointed counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987).

Garcia has failed to show that the complexities of the case are such that denial of appointed counsel would amount to a denial of due process. In addition, his filings with the court indicate that

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he understands the issues and is capable of presenting his arguments to the court. *See LaMere v. Risley*, 827 F.2d 622, 626 (9th Cir. 1987) (affirming the denial of the appointment of counsel where a petitioner's pleadings demonstrated a good understanding of the issues and an ability to present contentions "forcefully and coherently").

IT THEREFORE IS ORDERED that petitioner's motion for appointment of counsel (ECF No. 15) is DENIED.

IT IS FURTHER ORDERED that petitioner's motion for an extension of time (ECF No. 18) is GRANTED. Petitioner's response to respondents' motion to dismiss (ECF No. 11) is due on or before April 27, 2018.

Dated March 8, 2018.

UNITED STATES DISTRICT JUDGE