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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MOHAMED BEN-ALI LAHMAR,
Petitioner,
v.
ATTORNEY GENERAL,
Respondent.

Case No. 2:18-cv-00651-APG-PAL

ORDER

Petitioner, who is in custody at the Henderson Detention Center, has submitted an application to proceed in forma pauperis (ECF No. 1) and a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court finds that petitioner is unable to pay the filing fee. The court will serve the petition upon respondents for a response.

Petitioner has filed a motion for appointment of counsel (ECF No. 3). 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,

1 718 F.2d at 954. After reviewing the petition, the court concludes that appointment of counsel is
2 not warranted.

3 IT IS THEREFORE ORDERED that the application to proceed in forma pauperis (ECF
4 No. 1) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

5 IT IS FURTHER ORDERED that the clerk of the court shall file the petition for a writ of
6 habeas corpus pursuant to 28 U.S.C. § 2241.

7 IT IS FURTHER ORDERED that the clerk shall serve copies of the petition and this order
8 upon respondent as follows:

9 1. By having the United States Marshal, on or before the close of business on the date
10 that this order is entered, serve a copy of the petition and this order on the United States Attorney
11 for the District of Nevada or on an Assistant United States Attorney or clerical employee
12 designated by the United States Attorney pursuant to Rule 4(i)(1)(A) of the Federal Rules of Civil
13 Procedure;


14 2. By sending a copy of the petition and this order by registered or certified mail to
15 the Honorable Jeff Sessions, Attorney General of the United States, Department of Justice, 950
16 Pennsylvania Ave. NW, Washington, DC 20530;

17 3. By sending a copy of the petition and this order by registered or certified mail to
18 the Henderson Detention Center, P.O. Box 95050, Henderson, NV 89009-5050.

19 IT IS FURTHER ORDERED that pursuant to 28 U.S.C. § 2243 respondent shall file and
20 serve an answer to the petition within twenty (20) days from the date that this order is entered,
21 unless for good cause additional time is allowed.

22 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (ECF
23 No. 3) is **DENIED**.

24 DATED: July 2, 2018.

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28 ANDREW P. GORDON
United States District Judge