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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GILES K.J. MANLEY,  
Petitioner,  
vs.  
ELY STATE PRISON WARDEN, *et al.*,  
Respondents.

3:11-cv-00354-HDM-RAM  
**ORDER**

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 4.) Based on the information concerning petitioner's financial status, the court finds that the motion to proceed *in forma pauperis* should be denied . Petitioner must pay the full filing fee of \$5.00.

1           Petitioner moves the court for the appointment of counsel. (ECF No. 5.) There is no  
2 constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v.*  
3 *Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The  
4 decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th  
5 Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.),  
6 *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the  
7 case are such that denial of counsel would amount to a denial of due process, and where the  
8 petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See  
9 *Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). In this case,  
10 it appears that the claims are somewhat complex. Additionally, petitioner is relatively young and is  
11 serving a life sentence without the possibility of parole. Therefore, petitioner's motion for counsel  
12 shall be granted.

13           **IT IS THEREFORE ORDERED** that the clerk **DETACH** and **FILE** the petition (ECF No.  
14 1-1.)

15           **IT IS FURTHER ORDERED** that petitioner's motion to proceed *in forma pauperis* (ECF  
16 No. 1) is **DENIED**. Petitioner shall have thirty (30) days from the date this order is **ENTERED** in  
17 which to have the designated fee sent to the clerk.

18           **IT IS FURTHER ORDERED** that petitioner's motion for the appointment of counsel (ECF  
19 No. 5) is **GRANTED**. The Federal Public Defender for the District of Nevada (FPD) is appointed to  
20 represent petitioner.

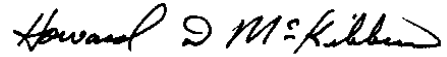
21           **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the FPD  
22 a copy of this order, together with a copy of the petition for writ of habeas corpus (ECF No. 1-1).  
23 The FPD shall have thirty (30) days from the date of entry of this order to file a notice of appearance  
24 or to indicate to the court its inability to represent petitioner in these proceedings.

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

Dated this 16th day of June, 2011.



UNITED STATES DISTRICT JUDGE