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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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DONALD STEVEN YAAG,

Case No. 3:14-cv-00295-MMD-WGC

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Petitioner,

ORDER

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v.

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ROBERT LeGRAND, et al.,

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Respondents.

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This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner.

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On October 16, 2014, the Court entered an order denying petitioner's motion for the appointment of counsel, directing the Clerk to serve the petition on respondents, and setting a deadline for respondents to file a response to the petition. (Dkt. no. 4). Petitioner has filed a motion for reconsideration of the Court's denial of his motion for the appointment of counsel. (Dkt. no. 6). When a party challenges an interlocutory order, a district court may rescind, reconsider, or amend a previous order pursuant to its inherent power to modify interlocutory orders before the entry of final judgment. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 886-87 (9th Cir. 1987).

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Pursuant to 18 U.S.C. § 3006(a)(2)(B), the district court has discretion to appoint counsel when it determines that the "interests of justice" require representation. 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). The decision to appoint counsel is generally discretionary. *Chaney v.*

1 *Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor*
2 *v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). In the order
3 of October 16, 2014, this Court found that the petition is well-written and sufficiently
4 clear in presenting the issues that petitioner wishes to bring, and the issues are not
5 complex. Accordingly, the motion for appointment of counsel was denied. Nothing in
6 petitioner's motion for reconsideration causes this Court to alter its decision that the
7 appointment of counsel is not justified in this case.

8 It is therefore ordered that petitioner's motion for reconsideration of the order
9 denying the appointment of counsel (dkt. no. 6) is denied.

10 DATED THIS 27th day of October 2014.

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14 MIRANDA M. DU
15 UNITED STATES DISTRICT JUDGE
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