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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH HENDERSON,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

Case No. 3:14-cv-00639-RCJ-WGC

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 now paid the filing fee (*see* ECF #5).

Petitioner has also filed a motion for appointment of counsel (ECF #3). 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. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Here, it appears that the claims—in particular those involving DNA evidence—may be complex. Moreover, this court may take judicial notice of the

1 state court docket, and petitioner appears to be serving five consecutive life sentences with the
2 possibility of parole. Therefore, counsel shall be appointed to represent petitioner.

3 **IT IS THEREFORE ORDERED** that the clerk **DETACH** and **FILE** the petition (ECF #1-1).

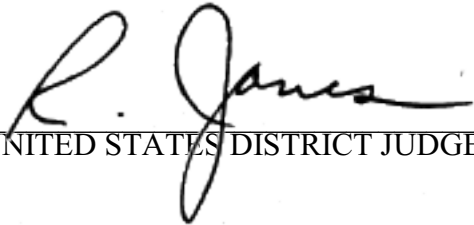
4 **IT IS FURTHER ORDERED** that petitioner’s motion for appointment of counsel (ECF #3)
5 is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of Nevada
7 (“FPD”) is appointed to represent petitioner.

8 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the FPD
9 a copy of this order, together with a copy of the petition for writ of habeas corpus (ECF #1-1). The FPD
10 shall have thirty (30) days from the date of entry of this order to file a notice of appearance or to indicate
11 to the court its inability to represent petitioner in these proceedings.

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

15 Dated this 27th day of April, 2015.

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18 UNITED STATES DISTRICT JUDGE
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