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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICHARD ADORNO,
Petitioner,
vs.
ISIDRO BACA, *et al.*,
Respondents.

Case No. 3:15-cv-00160-LRH-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 also submitted filed a motion for appointment of counsel (ECF #1-3). 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, questions regarding timeliness and exhaustion are evident from the face of the petition, and petitioner alleges that he has suffered serious, long-term mental illness and that his counsel failed to advise him of his right to a direct appeal. Petitioner is also serving a life sentence. Therefore, counsel shall be appointed to represent petitioner.

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

IT IS FURTHER ORDERED that the Clerk **DETACH** and **FILE** the motion for appointment of counsel (ECF #1-3).

IT IS FURTHER ORDERED that petitioner’s motion for appointment of counsel (ECF #1-3) is **GRANTED**.

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

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

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 28th day of April, 2015.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE