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## UNITED STATES DISTRICT COURT

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## DISTRICT OF NEVADA

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GILBERT WHITE,

Case No. 3:15-cv-00534-MMD-VPC

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Petitioner,

ORDER

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v.

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ISIDRO BACA, 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. Petitioner has paid the filing fee for this action. (ECF No. 4). The Court has reviewed the habeas petition, and it will be served on respondents. Respondents will file a response to the petition, as set forth at the conclusion of this order.

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Petitioner has filed a motion for the appointment of counsel. (ECF No. 1-2). Pursuant to 18 U.S.C. § 3006A(2)(B), the district court has discretion to appoint counsel when it determines that the “interests of justice” require representation in a habeas corpus case. Petitioner has no constitutional right to appointed counsel in 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 within the Court’s discretion. *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). The petition on file in this action is sufficiently clear in presenting the issues that petitioner wishes to bring. The issues in this case are not complex. Because counsel is not justified in this instance, petitioner’s motion is denied.

1           It is therefore ordered that the Clerk file and electronically serve the petition (ECF  
2 No. 1-1) upon the respondents. The Clerk of Court will add Attorney General Adam Paul  
3 Laxalt to the CM/ECF docket sheet as counsel for respondents.

4           It is further ordered that respondents have forty-five (45) days from the entry of  
5 this order within which to answer, or otherwise respond to, the petition. In their answer  
6 or other response, respondents must address all claims presented in the petition.  
7 Respondents must raise all potential affirmative defenses in the initial responsive  
8 pleading, including lack of exhaustion and procedural default. Successive motions to  
9 dismiss will not be entertained. If an answer is filed, respondents must comply with the  
10 requirements of Rule 5 of the Rules Governing Proceedings in the United States District  
11 Courts under 28 U.S.C. §2254. If an answer is filed, petitioner will have forty-five (45)  
12 days from the date of service of the answer to file a reply.

13           It is further ordered that any state court record exhibits filed by respondents must  
14 be filed with a separate index of exhibits identifying the exhibits by number or letter. The  
15 hard copy of all state court record exhibits must be forwarded, for this case, to the staff  
16 attorneys in the Reno Division of the Clerk of Court.

17           It is further ordered that petitioner's motion for the appointment of counsel (ECF  
18 No. 1-2) is denied.

19           DATED THIS 9<sup>th</sup> day of August 2016.

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23 MIRANDA M. DU  
24 UNITED STATES DISTRICT JUDGE  
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