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28UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GISTARVE RUFFIN, JR.,

Case No. 3:16-cv-00157-MMD-VPC

Petitioner,

ORDER

v.

ISIDRO BACA, *et al.*,

Respondents.

Before the Court is petitioner Gistarve Ruffin, Jr.'s motion for appointment of counsel in this 28 U.S.C. § 2254 habeas corpus petition (ECF No. 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, Ruffin's petition is sufficiently clear in setting forth his claims, and the legal issues do not appear to be complex. Therefore, Ruffin's motion for counsel is denied.

It is therefore ordered that the Clerk detach and file the motion for appointment of counsel (ECF No. 1-3).

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It is further ordered that the motion for appointment of counsel is denied.

It is further ordered that petitioner must file his response to respondents' motion to dismiss, if any, within thirty (30) days of the date of this order.

It is further ordered that respondents' motion to file petitioner's presentence investigation report under seal (ECF No. 11) is granted.

DATED THIS 9th day of February 2018.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE