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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOSHUA RYAN GROW,

Case No. 3:17-cv-00637-MMD-WGC

Petitioner,

ORDER

v.

JAMES DZURENDA, *et al.*,

Respondents.

This habeas corpus action is brought pursuant to 28 U.S.C. § 2254 by Joshua Ryan Grow, a Nevada prisoner. Grow filed his habeas petition, along with an application to proceed *in forma pauperis*, and a motion for appointment of counsel, on October 23, 2017 (ECF Nos. 1, 1-1, 1-2). On October 25, 2017, the Court denied Grow's *in forma pauperis* application and ordered him to pay the filing fee (ECF No. 4). On November 29, 2017, Grow paid the filing fee (ECF No. 5).

Therefore, the Court has reviewed Grow's habeas petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The Court will direct the Clerk of the Court to serve the petition upon the respondents, and will require a response.

Grow filed, with his petition, a motion for appointment of counsel (ECF No. 1-2). "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th

1 Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam). The
2 court may, however, appoint counsel at any stage of the proceedings “if the interests of
3 justice so require.” See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254
4 Cases; *Chaney*, 801 F.2d at 1196. Appointment of counsel is not warranted in this case.

5 It is therefore ordered that the Clerk of the Court separately file the petition for writ
6 of habeas corpus and the motion for appointment of counsel, each of which is currently
7 attached to the *in forma pauperis* application at ECF No. 1.

8 It is further ordered that the Clerk of the Court add Adam Paul Laxalt, Attorney
9 General of the State of Nevada, as counsel for respondents.

10 It is further ordered that the Clerk of the Court electronically serve upon
11 respondents a copy of the petition for writ of habeas corpus and a copy of this order.

12 It is further ordered that respondents will have sixty (60) days from the date on
13 which the petition is served upon them to appear in this action, and to answer or otherwise
14 respond to the petition. If respondents file an answer, petitioner will have sixty (60) days
15 to file a reply to the answer. If respondents file a motion to dismiss, petitioner will have
16 sixty (60) days to file a response to the motion to dismiss, and then respondents will have
17 thirty (30) days to file a reply to petitioner’s response.

18 It is further ordered that petitioner’s motion for appointment of counsel is denied.

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20 DATED THIS 4th day of December 2017.

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23 _____
24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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