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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

GARY JOSEPH WINKLER,

Petitioner,

v.

ISIDRO BACA, *et al.*,

Respondents.

Case No. 3:18-cv-00115-MMD-WGC

ORDER

This *pro se* habeas petition comes before the Court on petitioner's motion for appointment of counsel (ECF No. 7).

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).

The petition in this case is sufficiently clear in presenting the issues that petitioner wishes to raise, and the issues are not complex. Petitioner's assertion that he will have more credibility and be better able to conduct an investigation and litigate his petition with appointed counsel is not a basis for appointing counsel. Therefore, the Court concludes

1 that counsel is not justified in this case, and the motion for appointment of counsel will be  
2 denied.

3 It is therefore ordered that petitioner's motion for appointment of counsel (ECF No.  
4 7) is denied.

5 DATED THIS 12<sup>th</sup> day of April 2018.



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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE

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