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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ZACHARY KELSEY,

Petitioner,

Case No. 3:18-cv-00174-MMD-VPC

v.

ORDER

RENEE BAKER, et al.,

Respondents.

This case is a pro se petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Zachary Kelsey, a Nevada prisoner. On May 16, 2018, the Court screened Kelsey's Petition, ordered the Petition served on Respondents, and set a deadline for Respondents' response. (Order entered May 16, 2018 (ECF No. 5).) The Court also denied a motion for appointment of counsel that Kelsey filed with his Petition. (Id.)

On June 18, 2018, Kelsey filed a second motion for appointment of counsel (ECF No. 9), and the Court denied that motion on June 25, 2018. (See Order entered June 25, 2018 (ECF No. 10).)

Respondents filed an answer on September 4, 2018 (ECF No. 16). Kelsey is due to file a reply to the answer by November 5, 2018. (See Order entered May 16, 2018 (ECF No. 5).)

On October 2, 2018, Kelsey filed a third motion for appointment of counsel (ECF No. 22). "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed


1 counsel is necessary to prevent due process violations.” Chaney v. Lewis, 801 F.2d 1191,  
2 1196 (9th Cir. 1986) (citing Kreiling v. Field, 431 F.2d 638, 640 (9th Cir. 1970) (per  
3 curiam)). The court may, however, appoint counsel at any stage of the proceedings “if the  
4 interests of justice so require.” See 18 U.S.C. § 3006A; see also Rule 8(c), Rules  
5 Governing § 2254 Cases; Chaney, 801 F.2d at 1196. It remains the Court’s view that  
6 appointment of counsel is not warranted. The Court will deny the motion for appointment  
7 of counsel.

8 However, in light of the representations made by Kelsey in his motion for  
9 appointment of counsel, the Court will, sua sponte, extend by forty-five days, the time for  
10 Kelsey to file his reply.

11 It is therefore ordered that the Petitioner’s motion for appointment of counsel (ECF  
12 No. 22) is denied.

13 It is further ordered that the time for the Petitioner to file a reply to Respondents’  
14 answer is extended to December 20, 2018.

15 DATED THIS 16<sup>th</sup> day of October 2018.

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19 MIRANDA M. DU  
20 UNITED STATES DISTRICT JUDGE  
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