

01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WARREN ERIC ARMSTEAD,)	
)	CASE NO. C11-1352-MJP-MAT
Petitioner,)	(CR04-512-MJP)
)	
v.)	
)	ORDER DENYING PETITIONER'S
UNITED STATES OF AMERICA,)	MOTION FOR APPOINTMENT OF
)	COUNSEL
Respondent.)	
_____)	

This is a matter brought pursuant to 28 U.S.C. § 2255. Petitioner has presented to the Court for consideration a motion requesting appointment of counsel and requesting transcripts. The Court, having reviewed petitioner's motion, does hereby find and ORDER as follows:

(1) Petitioner's request for appointment of counsel (Dkt. No. 7) is DENIED. There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2255 unless an evidentiary hearing is required. See *Terrovona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1991); and Rule 8(c) of the Rules Governing Section § 2255 Cases in the United States District Courts.

The Court may exercise its discretion to appoint counsel for a financially eligible

01 individual where the "interests of justice so require." 18 U.S.C. § 3006A. However,
02 petitioner fails to satisfy the Court that the interests of justice are best served by appointment
03 counsel at this juncture. If the Court later orders an evidentiary hearing, the Court will appoint
04 counsel if petitioner qualifies.

05 (2) Petitioner's request for transcripts is DENIED. Petitioner does not identify
06 which transcripts he needs nor does he provide a clear explanation of why he needs any
07 transcripts at all. The Court notes that a number of transcripts are already on file in the
08 underlying criminal case which petitioner may obtain by simply submitting a request to the
09 Clerk of Court along with the requisite copy fee.

10 (3) The Clerk shall direct copies of this Order to petitioner, to counsel for the
11 government, and to the Honorable Marsha J. Pechman.

12 DATED this 8th day of September, 2011.

13
14 
15 Mary Alice Theiler
United States Magistrate Judge