

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VINCENT PAUL MELENDREZ,

Petitioner,

V.

MARGARET GILBERT,

Respondent.

CASE NO. C17-984-RAJ-BAT

**ORDER GRANTING MOTION TO
TERMINATE APPOINTMENT OF
COUNSEL AND ALLOWING
PETITIONER TO PROCEED *PRO
SE***

Petitioner in this federal habeas corpus action moves to terminate the appointment of counsel and asks to proceed *pro se*. Dkt. 28. Petitioner's motion is GRANTED.

By order dated July 11, 2016, the Court directed service of the petition and appointed the Federal Public Defender as counsel for petitioner. Dkt. 7. Petitioner did not object to the appointment at the time and elected to proceed. Petitioner now indicates he is dissatisfied with appointed counsel's representation. However, there is no right to appointed counsel in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required or such appointment is necessary for the effective utilization of discovery procedures. *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

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Accordingly, as petitioner has no right to appointed counsel, the Court GRANTS petitioner's motion to terminate appointed counsel in this action and allows him to proceed *pro se*. (Dkt. 28). To the extent petitioner's motion seeks to have new counsel appointed that request is denied.

DATED this 28th day of February, 2019.

BT
BRIAN A. TSUCHIDA
United States Magistrate Judge

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