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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 VINCENT PAUL MELENDREZ,

10 Petitioner,

11 v.

12 MARGARET GILBERT,

Respondent.

CASE NO. C17-984-RAJ-BAT

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

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

15 By order dated July 11, 2016, the Court directed service of the petition and appointed the  
16 Federal Public Defender as counsel for petitioner. Dkt. 7. Petitioner did not object to the  
17 appointment at the time and elected to proceed. Petitioner now indicates he is dissatisfied with  
18 appointed counsel's representation. However, there is no right to appointed counsel in cases  
19 brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required or such appointment is  
20 necessary for the effective utilization of discovery procedures. *See McCleskey v. Zant*, 499 U.S.  
21 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United*  
22 *States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954  
23 (9th Cir. 1983).

ORDER GRANTING MOTION TO  
TERMINATE appointment of counsel and  
allowing petitioner to proceed pro se - 1

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

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6 DATED this 28<sup>th</sup> day of February, 2019.

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9 BRIAN A. TSUCHIDA  
United States Magistrate Judge