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

8 JEREMIAH LANCE WINCHESTER,

9 Petitioner,

10 v.

11 OBENLAND, et al.,

12 Respondents.

Case No. C17-1136-RSL-JPD

ORDER APPOINTING THE OFFICE  
OF THE FEDERAL PUBLIC  
DEFENDER TO REPRESENT  
PETITIONER

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14 Petitioner, a state prisoner, seeks the appointment of counsel in this 28 U.S.C. § 2254  
15 habeas action. He also has filed a motion to stay and abey while he exhausts his state remedies.

16 While there is no constitutional right to appointment of counsel in actions brought under  
17 § 2254, the Court may exercise its discretion to appoint counsel for a financially eligible  
18 individual where the “interests of justice so require.” 18 U.S.C. § 3006A; *see also Weygardt v.*  
19 *Look*, 718 F.2d 952 (9th Cir. 1983). Because it appeared from the record that appointment of  
20 counsel may be warranted in the instant action, the Court referred the matter to the Office of the  
21 Federal Public Defender (“FPD”) to determine whether the interests of justice, in fact, require  
22 such an appointment. Dkt. 10. On September 28, 2017, the FPD asked for an extension of time  
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ORDER APPOINTING THE OFFICE OF  
THE FEDERAL PUBLIC DEFENDER TO  
REPRESENT PETITIONER - 1

1 to review petitioner's case. Dkt. 11. On October 10, 2017, the FPD asked to be appointed in this  
2 matter. Dkt. 12.

3 Having considered the foregoing, the Court finds and ORDERS:

4 (1) Petitioner's request for appointment of counsel is GRANTED. The Office of the  
5 Federal Public Defender and Assistant Federal Public Defender Vicki Lai are appointed to  
6 represent petitioner in this matter.

7 (2) The FPD's motion for extension of time, Dkt. 11, is GRANTED.

8 (3) **Within 30 days** of the date this Order is signed, counsel for petitioner shall  
9 inform the Court whether she will seek leave to file an amended habeas petition and whether she  
10 intends to supplement or withdraw the pending motion to stay and abey. The Court will direct  
11 service on respondent after considering petitioner's response to these questions.

12 (4) The Clerk is directed to send copies of this order to petitioner, to the FPD, and to  
13 the Honorable Robert S. Lasnik.

14 Dated this 11th day of October, 2017.

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17 JAMES P. DONOHUE  
Chief United States Magistrate Judge