UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREGORY S. ROBINSON, Petitioner, v. SCOTT FRAKES, Respondent.	No. C11-5302 RJB/KLS ORDER DENYING MOTION FOR THE APPOINTMENT OF COUNSEL

This 28 U.S.C. § 2254 petition has been assigned to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S. C. § 636(b)(1) and Local MJR 3 and 4. Petitioner has filed a motion for the appointment of counsel. ECF No. 6. Petitioner requests the appointment of counsel because his case involved two trials and it is a complex case involving numerous constitutional questions. *Id.*

There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See *Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts.

An evidentiary hearing has not been granted in this case and the claims in the petition are adequately set forth and articulated. The court has not yet determined that an evidentiary hearing is necessary. Therefore, Petitioner's request for counsel shall be denied at this time.

Accordingly, it is **ORDERED**:

(1) Petitioner's motion for counsel (ECF No. 6) is **DENIED**.

(2) The Clerk is directed to send copies of this Order to Petitioner.

DATED this 9th day of May, 2011.

Karen L. Strombom
United States Magistrate Judge