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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 ABDUR RAHID KHALIF AKA CALVIN  
ROUSE,

11 Petitioner,

12 v.

13 STEPHEN SINCLAIR,

14 Respondent.  
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CASE NO. C11-5943-RBL-JRC

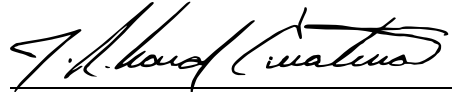
ORDER DENYING PETITIONER'S  
MOTION FOR APPOINTMENT OF  
COUNSEL

16 This petition for a writ of habeas corpus is filed pursuant to 28 U.S.C. § 2254. The  
17 petition has been referred to United States Magistrate Judge J. Richard Creatura pursuant to 28  
18 U.S.C. § 636(b) (1) (A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner  
19 asks the Court to appoint counsel based on his affidavit in support of in forma pauperis status  
20 (ECF No. 15). A motion to dismiss the petition as time barred is pending. (ECF No. 14).

21 There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254  
22 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature.  
23 Brown v. Vasquez, 952 F.2d 1164, 1168 (9th Cir. 1991) (*citing* McCleskey v. Zant, 499 U.S.  
24 467, 495 (1991)); *see* Ortiz v. Stewart, 149 F.3d 923, 939 (9th Cir. 1998); *see also* Terrovona v.

1 Kincheloe, 852 F.2d 424, 429 (9th Cir. 1988); and Rule 8(c) of the Rules Governing Section  
2 2254 Cases in the United States District Courts. The motion is DENIED.

3 Dated this 29<sup>th</sup> day of February, 2012.

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5 J. Richard Creatura  
6 United States Magistrate Judge

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