

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 JESUS MIGUEL VILLARREAL,

11 Petitioner,

12 v.

13 PATRICK GLEBE,

14 Respondent.

CASE NO. C14-5358 RJB-KLS

ORDER DENYING PETITIONER'S  
MOTION FOR THE APPOINTMENT  
OF COUNSEL

15 Petitioner Jesus Miguel Villarreal seeks the appointment of counsel in this 28 U.S.C.  
16 §2254 matter. Dkt. 11. Respondent opposes the motion. Dkt. 12. Having reviewed the petition,  
17 motion, and opposition, the Court **ORDERS:**

18 There is no right to have counsel appointed in cases brought under 28 U.S.C. §2254,  
19 unless an evidentiary hearing is required or such appointment is “necessary for the effective  
20 utilization of discovery procedures.” *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United*  
21 *States v. Duarte-Higareda*, 68 F.3d 369, 370 (9<sup>th</sup> Cir. 1995); *United States v. Angelone*, 894 F.2d  
22 1129, 1130 (9<sup>th</sup> Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9<sup>th</sup> Cir. 1983); Rules  
23 Governing Section 2254 Cases in the United States District Courts 6(a) and 8(c). The Court also  
24 may appoint counsel “at any stage of the case if the interest of justice so require.” *Weygandt*,

1 718 F.2d at 754. In deciding whether to appoint counsel, however, the Court “must evaluate the  
2 likelihood of success on the merits as well as the ability of the petitioner to articulate his claims  
3 pro se in light of the complexity of the legal issues involved.” *Id.*

4 Respondent’s answer to the habeas petition is currently due on June 27, 2014. Mr.  
5 Villarreal moves for the appointment of counsel on the basis that he cannot present this action as  
6 effectively as an attorney and because the issues are complex. Mr. Villarreal filed his habeas  
7 petition without the assistance of counsel and it does not appear that his case raises any legally or  
8 factually complex issues. The Court has not determined that an evidentiary hearing is required in  
9 this case, nor does it appear one is needed at this time. See Rule Governing Section 2254 Cases  
10 in the United States District Courts 8(c). Mr. Villarreal has not shown that his particular  
11 conditions of confinement are such that “the interests of justice” require appointment of counsel  
12 at this stage of the proceedings.

13 Accordingly, Petitioner’s motion for the appointment of counsel (Dkt. 11) is **DENIED**.  
14 The Clerk shall send a copy of this Order to Petitioner and to counsel for Respondent.

15 DATED this 12<sup>th</sup> day of June, 2014.

16  
17 

18 Karen L. Strombom  
19 United States Magistrate Judge  
20  
21  
22  
23  
24