UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD GENE FARMER,

Petitioner,

v.

MAGGIE MILLER STOUT,

Respondent.

CASE NO. C14-5450 BHS-KLS

ORDER DENYING PETITIONER'S MOTION FOR THE APPOINTMENT OF COUNSEL

Petitioner Donald Gene Farmer seeks the appointment of counsel in this 28 U.S.C. §2254 matter. Dkt. 5. Having reviewed the petition, the Court **ORDERS:**

There is no right to have counsel appointed in cases brought under 28 U.S.C. §2254, unless an evidentiary hearing is required or such appointment is "necessary for the effective utilization of discovery procedures." *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); Rules Governing Section 2254 Cases in the United States District Courts 6(a) and 8(c). The Court also may appoint counsel "at any stage of the case if the interest of justice so require." *Weygandt*, 718 F.2d at 754. In deciding whether to appoint counsel, however, the Court "must evaluate the

likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved." *Id.*

Petitioner has not requested that he be allowed to conduct discovery in this matter nor does the Court find good cause for granting him leave to do so at this stage of the proceedings. *See* Rule Governing Section 2254 Cases in the United States District Courts 6(a). The Court has not determined that an evidentiary hearing will be required in this case, nor does it appear one is needed at this time. See Rule Governing Section 2254 Cases in the United States District Courts 8(c). Finally, Petitioner has not shown that his particular conditions of confinement are such that "the interests of Justice" require appointment of counsel.

Accordingly, Petitioner's motion for the appointment of counsel (Dkt. 5) is **DENIED.** The Clerk shall send a copy of this Order to Petitioner and to counsel for Respondent.

DATED this 11th day of June, 2014.

Karen L. Strombom
United States Magistrate Judge