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

10 WILLIAM CURRY, JR.,

11 Petitioner,

12 v.

13 WILLIAM VAN HOOK,

14 Respondent.

CASE NO. 3:17-CV-05314-RBL-JRC

ORDER DENYING MOTION TO
APPOINT COUNSEL

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16 Before the Court is petitioner's motion for appointment of counsel. Dkt. 8. He filed an
17 amended petition for a writ of habeas corpus challenging his civil commitment as a sexually
18 violent predator. Dkt. 6. He alleges violations of his Fourth, Fifth, Sixth, Eighth, and Fourteenth
19 Amendment rights. *Id.* Under a separate order, the Court directed service of the petition. Dkt. 7.
20 Respondents filed a response on August 16, 2017. Dkt. 12.

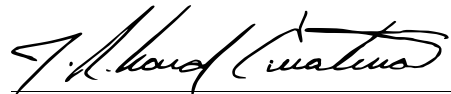
21 There is no right to appointed counsel in cases brought under 28 U.S.C. § 2254 unless an
22 evidentiary hearing is required or such appointment is necessary for the effective utilization of
23 discovery procedures. *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v.*
24 *Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United States v. Angelone*, 894 F.2d 1129,

1 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); Rules Governing
2 Section 2254 Cases in the United States District Courts 6(a) and 8(c). The Court may appoint
3 counsel “at any stage of the case if the interest of justice so requires.” *Weygandt*, 718 F.2d at 954
4 (quoting Rules Governing Section 2254 Cases in the United States District Courts 8(c)). In
5 deciding whether to appoint counsel, the Court “must evaluate the likelihood of success on the
6 merits as well as the ability of the petitioner to articulate his claims pro se in light of the
7 complexity of the legal issues involved.” *Id.*

8 Here, the Court directed service of the petition and the time for filing an answer has not
9 run. *See* Dkt. 5. As the response has only recently been filed, the Court has not yet found good
10 cause for granting leave to conduct discovery and has not determined an evidentiary hearing will
11 be required. *See* Rules Governing Section 2254 Cases in the United States District Courts 6(a)
12 and 8(c). Furthermore, despite any legal complexities, petitioner has effectively articulated his
13 grounds for relief raised in the petition. Petitioner has not shown the interest of justice otherwise
14 require the Court to appoint counsel at this stage.

15 Accordingly, petitioner’s motion for the appointment of counsel (Dkt. 8) is denied
16 without prejudice.

17 Dated this 16th day of August, 2017.

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19 J. Richard Creatura
20 United States Magistrate Judge