

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rivera v. Doerer

Rivera v. Doerer · No. 1:24-cv-01577-JLT-HBK (HC) · Decided March 27, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Felix A. Rivera, Jr.’s motion for appointment of counsel in his federal habeas corpus proceeding. The court held that appointment of counsel was not necessary at that stage and denied the motion without prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Helena M. Barch-Kuchta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 27, 2025
DOCKET	1:24-cv-01577-JLT-HBK (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, proceeding pro se, moved for appointment of counsel in his pending federal habeas corpus proceeding.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Felix A. Rivera, Jr. v. Doerer

TOPICS

- [federal habeas corpus](#) [post-conviction relief](#) [due process](#) [constitutional law](#) [civil procedure](#)

PRACTICE AREAS

- [habeas corpus](#) [post-conviction relief](#) [appointed counsel](#)

QUESTIONS PRESENTED

1. Whether the court should appoint counsel for the pro se petitioner in the pending federal habeas proceeding.

HOLDINGS

1. Appointment of counsel was not necessary at that stage of the proceedings, and the petitioner's motion for appointment of counsel was denied without prejudice.

KEY QUOTATIONS

“There is no automatic, constitutional right to counsel in federal habeas proceedings.” (at 1)

“Accordingly, it is ORDERED: Petitioner’s motion for appointment of counsel (Doc. No. 10) is denied without prejudice.” (at 2)

FACTUAL BACKGROUND

Petitioner is a federal prisoner proceeding pro se in a pending habeas corpus action. He filed the habeas petition without assistance of counsel and requested that the court appoint counsel. The court found no basis in the record to conclude that appointed counsel was necessary at that stage or required to prevent a due process violation.

PROCEDURAL HISTORY

Rivera filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 and subsequently moved for appointment of counsel. The district court denied the motion without prejudice, finding that counsel was not necessary at that stage of the proceedings.

DISPOSITION

other

CASES CITED

- Coleman v. Thompson, 501 U.S. 722, 752 (1991)
- Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958)
- Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 FELIX A. RIVERA, JR., Case No. 1:24-cv-01577-JLT-HBK (HC) 12
Petitioner, ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL 13 v. (Doc. No.
10) 14 DOERER, 15 Respondent. 16 17 18 Before the court is Petitioner’s motion for appointment
of counsel. (Doc. No. 10). 19 Petitioner, a federal prisoner proceeding pro se, has pending a
petition for writ of habeas corpus 20 filed under 28 U.S.C. § 2254.

(Doc. No. 1). Petitioner requests that the Court to appoint counsel 21 to represent him in this
matter. (Doc. No. 10). 22 There is no automatic, constitutional right to counsel in federal habeas
proceedings. See 23 Coleman v. Thompson, 501 U.S. 722, 752 (1991); Anderson v. Heinze, 258
F.2d 479, 481 (9th 24 Cir. 1958).

The Criminal Justice Act, 18 U.S.C. § 3006A, however, authorizes this court to appoint counsel for a financially eligible person who seeks relief under § 2241 when the “court determines that the interests of justice so require.” *Id.* at § 3006A(a)(2)(B); see also *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986).

Moreover, the Rules Governing Section 2254 Cases in the United States District Courts require the court to appoint counsel: (1) when the court has authorized discovery upon a showing of good cause and appointment of counsel is necessary for effective discovery; or (2) when the court has determined that an evidentiary hearing is warranted. *Id.* at Rs.

6(a) and 8(c). Based upon the record, the Court finds Petitioner has not demonstrated that appointment of counsel is necessary at this stage of the proceedings. Petitioner was able to file his habeas petition without the aid of counsel. Further, the Court finds the circumstances of this case at this time do not indicate that appointed counsel is necessary to prevent due process violations.

8 Accordingly, it is ORDERED: 9 Petitioner’s motion for appointment of counsel (Doc. No. 10) is denied without prejudice. 11 12 | Dated: _ March 27, 2025 Wile. Th fareh Zack 13 HELENA M. BARCH-KUCHTA UNITED STATES MAGISTRATE JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28