

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.

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 Cir. 1958).

The Criminal Justice Act, 18 U.S.C. § 3006A, however, authorizes this court to 25 appoint counsel
for a financially eligible person who seeks relief under § 2241 when the “court 26 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 28 in the United States District Courts require
the court to appoint counsel: (1) when the court has 1 | authorized discovery upon a showing of
good cause and appointment of counsel is necessary for 2 | effective discovery; or (2) when the
court has determined that an evidentiary hearing is warranted. 3 | *Id.* at Rs.

6(a) and 8(c). 4 Based upon the record, the Court finds Petitioner has not demonstrated that
appointment 5 | of counsel is necessary at this stage of the proceedings. Petitioner was able to file
his habeas 6 | petition without the aid of counsel. Further, the Court finds the circumstances of this
case at this 7 | 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 10 | 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