

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

OPINION

(HC) Rivera v. Doerer

PER CURIAM.

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
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.*
27 *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

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