

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tan Trung Vay v. Christopher Chestnut, Warden of the California
City Correctional Detention Facility, et al.

Vay v. Chestnut · No. 1:25-cv-01810-JLT-SKO (HC) · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Tan Trung Vay’s motion for appointment of counsel in a 28 U.S.C. § 2241 habeas proceeding. The court held that the interests of justice did not currently require appointed counsel and denied the request without prejudice, while leaving open the possibility of reconsideration after Respondents file their response.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 19, 2025
DOCKET	1:25-cv-01810-JLT-SKO (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, an immigration detainee proceeding pro se under 28 U.S.C. § 2241, moved for appointment of counsel.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Tan Trung Vay v. Christopher Chestnut, Warden of the California City Correctional Detention Facility, et al.

TOPICS

- immigration detention
- federal habeas corpus
- immigration
- civil procedure

PRACTICE AREAS

- immigration
- habeas corpus
- appointment of counsel

QUESTIONS PRESENTED

1. Whether counsel should be appointed for a pro se immigration detainee in a § 2241 habeas proceeding.

HOLDINGS

1. There is no absolute right to appointment of counsel in habeas proceedings.
2. Appointment of counsel was not warranted at that time because the interests of justice did not require it; the request was denied without prejudice.

FACTUAL BACKGROUND

Petitioner is an immigration detainee proceeding pro se in a § 2241 habeas action. On December 18, 2025, he requested appointment of counsel, but the court found that the petition's claims were clearly stated and that appointment was not presently required in the interests of justice.

PROCEDURAL HISTORY

Tan Trung Vay filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 and subsequently requested appointment of counsel. The court denied the request without prejudice, stating that it would reconsider appointment if additional factual or legal information became necessary after respondents filed their response.

DISPOSITION

other

CASES CITED

- Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958)
- Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir. 1984)

OPINION

Chestnut

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

10 11 TAN TRUNG VAY, Case No. 1:25-cv-01810-JLT-SKO (HC) 12 Petitioner, ORDER
DENYING MOTION FOR
APPOINTMENT OF COUNSEL

13 v. [Doc. 6] 14 CHRISTOPHER CHESTNUT, Warden of the California City Correctional
Detention 15 Facility, et al., 16 Respondents. 17 18 Petitioner is an immigration detainee
proceeding pro se with a petition for writ of habeas 19 corpus pursuant to 28 U.S.C. § 2241. 20 On
December 18, 2025, Petitioner requested the appointment of counsel. There currently 21 exists no

absolute right to appointment of counsel in habeas proceedings. See, e.g., *Anderson v. 22 Heinze*, 258 F.2d 479, 481 (9th Cir. 1958); *Mitchell v. Wyrick*, 727 F.2d 773, 774 (8th Cir. 1984). 23 However, Title 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of counsel at any stage 24 of the case if "the interests of justice so require." See Rule 8(c), Rules Governing Section 2254 25 Cases. 26 In the present case, the Court does not find that the interests of justice require the 27 appointment of counsel at the present time. The claims presented in the petition are clearly stated 1 or information be required after Respondents file their response, the Court will revisit the matter 2 and appoint counsel at that time. 3 Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of 4 counsel is DENIED without prejudice. 5 IT IS SO ORDERED. 6 7 Dated: December 19, 2025 /s/ Sheila K. Oberto .

UNITED STATES MAGISTRATE JUDGE

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