

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.

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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