

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Gene Edward Evans v. Unknown

Evans · No. 1:25-cv-00235-CDB (HC) · Decided March 12, 2025

OPINION

(HC) Evans v. Unknown

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 GENE EDWARD EVANS, Case No. 1:25-cv-00235-CDB (HC) 12 Petitioner, ORDER
DENYING MOTION FOR

APPOINTMENT OF COUNSEL

13 v. (Doc. 10)

14 UNKNOWN,

15 Respondent. 16

17 Petitioner Gene Edward Evans (“Petitioner”), a state prisoner, proceeds pro se with a 18
petition for writ of habeas corpus filed under 28 U.S.C. § 2254. (Doc. 1). Pending before the 19
Court is Petitioner’s motion that the Court appoint counsel to represent him. (Doc. 10). In 20
support of his motion, Petitioner states that he lacks the financial means to retain counsel. Id. at 21
1. 22 There is no constitutional right to counsel in federal habeas proceedings. *Coleman v. 23*
Thompson, 501 U.S. 722, 752 (1991); *Bonin v. Vasquez*, 999 F.2d 425, 429 (9th Cir. 1993). 24
However, the Criminal Justice Act 18 U.S.C. § 3006A, authorizes the Court to appoint counsel 25
for a financially eligible person who seeks relief under § 2254 when the “court determines that 26
the interest of justice so require.” Id. at § 3006A(a)(2)(B); see *Chaney v. Lewis*, 801 F.2d 1191, 27
1196 (9th Cir. 1986) (“Indigent state prisoners applying for habeas corpus relief are not entitled to
een ee eee eee nnn I EE EO I IIS 1 || necessary to prevent due process violations.”). Moreover, the
Rules Governing Section 2254 2 || Cases in the United States District Courts require the Court to
appoint counsel: (1) where 3 || discovery is authorized on a showing of good cause and counsel is
deemed “necessary” to 4 || facilitate effective discovery; or (2) when the court has determined that
an evidentiary hearing is 5 || warranted for the disposition of a petition. See Habeas Rules 6(a) and
8(c). 6 The Court finds Petitioner has not demonstrated that appointment of counsel is necessary 7
|| or warranted at this early stage of proceedings. Although Petitioner asserts that this case involves
8 || acomplex legal issue, the Court notes that the types of trial court rulings and related issues 9 |
implicated in this case are not unusual in habeas proceedings. Furthermore, Petitioner has not 10 ||

shown any exceptional circumstances warrant the appointment of counsel at this stage. 11 ||
Petitioner's proffered difficulties arising from his lack of funds are shared with many other 12 ||
habeas petitioners. Therefore, at this stage, the circumstances of this case do not indicate that 13 ||
appointed counsel is necessary or that failure to appoint counsel necessarily would implicate due
14 || process concerns. 15 | Conclusion and Order 16 Accordingly, it is HEREBY ORDERED that
Petitioner's motion for appointment of 17 || counsel (Doc. 10) is DENIED WITHOUT
PREJUDICE. 18 | IT IS SO ORDERED. | Dated: _March 12, 2025 | hr
20 UNITED STATES MAGISTRATE JUDGE
21 22 23 24 25 26 27 28