

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Oleksandr Vladimirovich Melnyk v. Warden of the Golden State
Annex Detention Facility, et al.

Melnyk v. Warden of the Golden State Annex Detention Facility · No. 1:25-cv-01431-EPG-HC · Decided
October 28, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice a pro se federal immigration detainee’s motion for appointment of counsel in a 28 U.S.C. § 2241 habeas proceeding. The court found that the petitioner could adequately articulate his claims and that appointment of counsel was not presently required in the interests of justice, while leaving open the possibility of revisiting the request after the respondent files a response.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 28, 2025
DOCKET	1:25-cv-01431-EPG-HC
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, a federal immigration detainee proceeding pro se under 28 U.S.C. § 2241, moved for appointment of counsel.
STANDARD OF REVIEW	The court evaluated the likelihood of success on the merits and the petitioner's ability to articulate his claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Oleksandr Vladimirovich Melnyk v. Warden of the Golden State Annex Detention Facility, et al.

TOPICS

- immigration detention
- immigration
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the interests of justice required appointment of counsel for a pro se federal immigration detainee in a § 2241 habeas proceeding.

HOLDINGS

1. The interests of justice did not presently require appointment of counsel because Petitioner appeared able to understand and adequately articulate his claims and the legal issues involved.

KEY QUOTATIONS

“There currently exists no absolute right to appointment of counsel in habeas proceedings.” (at 1)

“The interests of justice do not require the appointment of counsel at the present time.” (at 2)

FACTUAL BACKGROUND

Petitioner is a federal immigration detainee proceeding pro se in a § 2241 habeas proceeding. He argued that counsel was warranted because he believed he had a strong chance of success, immigration-detention law was complex, and his detained-immigrant status made presenting his case difficult without counsel.

PROCEDURAL HISTORY

Melnyk filed a petition for a writ of habeas corpus and moved for appointment of counsel. The court reviewed the petition and motion and denied the motion without prejudice, while leaving open the possibility of revisiting the request after receiving Respondent's response.

DISPOSITION

other

CASES CITED

- Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986)
- Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)

OPINION

Oleksandr Vladimirovich Melnyk v. Warden of the Golden State Annex Detention Facility, et al.

PER CURIAM.

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

10 11 OLEKSANDR VLADIMIROVICH Case No. 1:25-cv-01431-EPG-HC

MELNYK,

12 ORDER DENYING PETITIONER'S

Petitioner, MOTION FOR APPOINTMENT OF

13 COUNSEL WITHOUT PREJUDICE

v. 14 (ECF No. 3)

WARDEN OF THE GOLDEN STATE

15 ANNEX DETENTION FACILITY, et al., 16 Respondents. 17 18 Petitioner is a federal
immigration detainee proceeding pro se with a petition for writ of 19 habeas corpus pursuant to 28
U.S.C. § 2241. Petitioner has moved for appointment of counsel. 20 (ECF No. 3.) 21 There
currently exists no absolute right to appointment of counsel in habeas proceedings. 22 See, e.g.,
Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986); Anderson v. Heinze, 258 F.2d 23 479, 481
(9th Cir. 1958). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of 24 counsel at
any stage of the proceeding for financially eligible persons if “the interests of justice 25 so
require.” To determine whether to appoint counsel, the “court must evaluate the likelihood of 26
success on the merits as well as the ability of the petitioner to articulate his claims pro se in light
27 of the complexity of the legal issues involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir.
1983). 1 Petitioner argues that counsel should be appointed because he “has a strong chance of 2 |
success on the merits,” “the complexity of the law on immigration detention,” and because 3 |
“Petitioner’s status as a detained immigrant” makes presenting his case difficult without the 4 |
assistance of counsel. (ECF No. 3 at 2.) 5 Upon review of the petition and the instant motion, the
Court finds that Petitioner appears 6 | to have a sufficient grasp of his claims and the legal issues
involved and that he is able to 7 | articulate those claims adequately. The Court finds that the
interests of justice do not require the 8 | appointment of counsel at the present time. If, upon
review of Respondent’s response to the 9 | petition, the Court finds that the legal issues are more
complex than they appear currently, the 10 | Court will revisit Petitioner’s request for counsel. 11
Accordingly, IT IS HEREBY ORDERED that Petitioner’s motion for appointment of 12 | counsel
(ECF No. 3) is DENIED without prejudice. 13 4 IT IS SO ORDERED. 15| Dated: _ October 28,
2025 [sf ey —

16 UNITED STATES MAGISTRATE JUDGE

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