

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.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 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 17 18 19 20 21 22 23 24 25 26 27 28