

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

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

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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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