

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bolin v. Newcomb

Bolin · No. 2:25-cv-1497 DC SCR P · Decided August 1, 2025

SUMMARY

The United States District Court for the Eastern District of California denied petitioner Paul C. Bolin’s request for appointment of counsel in his habeas proceedings. The denial was without prejudice to renewal at a later stage, because the court did not find that the interests of justice presently required appointed counsel.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 1, 2025
DOCKET	2:25-cv-1497 DC SCR P
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner in a 28 U.S.C. § 2254 habeas proceeding requested appointment of counsel.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Paul C. Bolin v. Rachael Newcomb, et al.

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- appointment of counsel

QUESTIONS PRESENTED

- Whether counsel should be appointed for petitioner in the pending habeas proceeding.

HOLDINGS

1. There is no absolute right to appointment of counsel in habeas proceedings, and counsel need be appointed under 18 U.S.C. § 3006A and Rule 8(c) of the Rules Governing § 2254 Cases only when the interests of justice so require. The interests of justice did not require appointment of counsel at that time.

KEY QUOTATIONS

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

“petitioner’s request for appointment of counsel (ECF No. 6) is denied without prejudice to a renewal of the motion at a later stage of the proceedings.” (2)

FACTUAL BACKGROUND

Paul C. Bolin, a petitioner in a state-habeas proceeding under 28 U.S.C. § 2254, requested appointment of counsel. The court determined that the interests of justice did not require appointment of counsel at that stage of the case.

PROCEDURAL HISTORY

During the pending habeas proceeding, petitioner moved for appointment of counsel. The district court denied the request without prejudice, allowing petitioner to renew it at a later stage.

DISPOSITION

other

CASES CITED

- Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996)

OPINION

(HC) Bolin v. Newcomb

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 PAUL C. BOLIN, No. 2:25-cv-1497 DC SCR P

12 Petitioner, 13 v. ORDER 14 RACHAEL NEWCOMB, et al., 15 Respondents. 16 17 Petitioner
has requested the appointment of counsel. There currently exists no absolute 18 right to
appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 19 (9th
Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage 20 of
the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. 21
In the present case, the court does not find that the interests of justice would be served by the 22

appointment of counsel at the present time. 23 //// 24 //// 25 //// 26 //// 27 //// 28 ////] Accordingly,
IT IS HEREBY ORDERED that petitioner's request for appointment of 2 || counsel (ECF No. 6) is
denied without prejudice to a renewal of the motion at a later stage of the 3 || proceedings. 4 |
DATED: August 1, 2025 mk

SEAN C. RIORDAN

7 UNITED STATES MAGISTRATE JUDGE

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