

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Hoang Tuong Nguyen v. Field Office Director, San Francisco Field
Office, United States Immigration and Customs Enforcement, et al.**

Nguyen · No. 1:24-cv-01579-EPG-HC · Decided May 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 concluded that Petitioner could adequately articulate his claims, the legal issues were not unusually complex, and the interests of justice did not presently require appointed counsel.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 HOANG TUONG NGUYEN, Case No. 1:24-cv-01579-EPG-HC 12
Petitioner, ORDER DENYING PETITIONER’S MOTION FOR APPOINTMENT OF 13 v.
COUNSEL WITHOUT PREJUDICE 14 FIELD OFFICE DIRECTOR, SAN (ECF No. 3)
FRANCISCO FIELD OFFICE, UNITED 15 STATES IMMIGRATION AND CUSTOMS
ENFORCEMENT, 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 greatly difficult without 4 |
the assistance of counsel. (ECF No. 3 at 3.) 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 legal issues involved are not extremely complex, and 8 | Petitioner does not demonstrate a likelihood of success on the merits such that the interests of 9 | justice require the appointment of counsel at the present time. 10 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for appointment of 11 | counsel (ECF No. 3) is DENIED. 12 B IT IS SO ORDERED.

14) Dated: _May 28, 2025 [Jee Fey — 15 UNITED STATES MAGISTRATE JUDGE 16 17 18 19
20 21 22 23 24 25 26 27 28