

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

OPINION

(HC) Nguyen v. Field Office Director, San Francisco Field Office, United States Immigration and
Customs Enforcement

PER CURIAM.

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UNITED STATES DISTRICT COURT

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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

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