

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Miguel Garcia Jr. v. C. Schuyler

Garcia v. Schuyler · No. 1:25-cv-00251-SAB-HC · Decided February 28, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Miguel Garcia Jr.’s pro se motion to appoint counsel in his 28 U.S.C. § 2254 habeas proceeding. The court concluded that Garcia could adequately articulate his claims, the issues were not unusually complex, and he had not shown a likelihood of success on the merits warranting appointment under the interests-of-justice standard.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 28, 2025
DOCKET	1:25-cv-00251-SAB-HC
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, a state prisoner proceeding pro se in a 28 U.S.C. § 2254 habeas proceeding, moved for appointment of counsel.
STANDARD OF REVIEW	Appointment of counsel in a habeas proceeding is discretionary and is governed by whether the interests of justice require counsel, considering the petitioner's likelihood of success on the merits, ability to articulate claims pro se, and the complexity of the legal issues.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Miguel Garcia Jr. v. C. Schuyler

TOPICS

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

PRACTICE AREAS

- Habeas corpus
- Post-conviction relief
- Appointment of counsel

QUESTIONS PRESENTED

1. Whether the interests of justice required appointment of counsel for a pro se state prisoner pursuing habeas relief under 28 U.S.C. § 2254.

HOLDINGS

1. Appointment of counsel was not required because there is no absolute right to appointed counsel in habeas proceedings and Petitioner did not demonstrate that the interests of justice required counsel.

KEY QUOTATIONS

“To determine whether to appoint counsel, the “court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.”” (1)

FACTUAL BACKGROUND

Petitioner was a state prisoner proceeding without counsel in a federal habeas proceeding under 28 U.S.C. § 2254. He requested appointed counsel solely on the stated ground that he could not afford an attorney. The court reviewed the petition and found that he understood and adequately articulated his claims, that the legal issues were not extremely complex, and that he had not shown a likelihood of success on the merits.

PROCEDURAL HISTORY

Garcia filed a petition for writ of habeas corpus and moved for appointment of counsel. The district court denied the motion, concluding that counsel was not required because Garcia could adequately articulate his claims, the issues were not unusually complex, and he had not demonstrated a likelihood of success on the merits.

DISPOSITION

other

CASES CITED

- Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986)
- Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MIGUEL GARCIA JR., Case No. 1:25-cv-00251-SAB-HC 12 Petitioner,
ORDER DENYING PETITIONER’S MOTION TO APPOINT COUNSEL 13 v. (ECF No. 2) 14
C. SCHUYLER, 15 Respondent. 16 17 Petitioner is a state prisoner proceeding pro se with a
petition for writ of habeas corpus 18 pursuant to 28 U.S.C. § 2254.

19 Petitioner has moved for appointment of counsel. (ECF No. 2.) There currently exists no 20 absolute right to appointment of counsel in habeas proceedings. See, e.g., *Chaney v. Lewis*, 801 21 F.2d 1191, 1196 (9th Cir. 1986); *Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir. 1958). 22 However, the Criminal Justice Act authorizes the appointment of counsel at any stage of the 23 proceeding for financially eligible persons if “the interests of justice so require.” 18 U.S.C. § 24 3006A(a)(2)(B).

To determine whether to appoint counsel, the “court must evaluate the 25 likelihood of success on the merits as well as the ability of the petitioner to articulate his claims 26 pro se in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 27 954 (9th Cir. 1983).
/// 1 Petitioner only states that counsel should be appointed because cannot afford one.

(ECF 2 | No. 2.) Upon review of the petition, the Court finds that Petitioner appears to have a sufficient 3 | grasp of his claims and the legal issues involved and that he is able to articulate those claims 4 | adequately.

The legal issues involved are not extremely complex, and Petitioner does not 5 | demonstrate a likelihood of success on the merits such that the interests of justice require the 6 | appointment of counsel at the present time. 7 Accordingly, IT IS HEREBY ORDERED that Petitioner’s motion to appoint counsel 8 | (ECF No. 2) is DENIED. 9 10 IT IS SO ORDERED. DAM Le 11 | Dated: _ February 28, 2025 STANLEY A. BOONE 12 United States Magistrate Judge 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28