

**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.

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