

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

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**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  
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