

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Gurpartap Singh v. Warden of the Golden State Annex, et al.

No. 1:25-cv-01689-KES-EPG-HC, United States District Court for the Eastern District of California (December 3, 2025)

SUMMARY

The United States District Court for the Eastern District of California orders that counsel be sought for Gurpartap Singh, an immigration detainee proceeding pro se in a 28 U.S.C. § 2241 habeas petition, if he is financially eligible. The court refers the matter to the Federal Public Defender's Office and directs that office to report on eligibility within seven days; the Clerk is directed to serve the order and petition on the Federal Defender.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 GURPARTAP SINGH, Case No. 1:25-cv-01689-KES-EPG-HC 12
Petitioner, ORDER REGARDING APPOINTMENT OF COUNSEL 13 v. 14 WARDEN OF THE
GOLDEN STATE ORDER DIRECTING CLERK OF COURT ANNEX, et al., TO SERVE
DOCUMENTS 15 Respondents. 16 17 Petitioner, an immigration detainee who is representing
himself, filed a petition for a writ 18 of habeas corpus pursuant to 28 U.S.C. § 2241.

19 There currently exists no absolute right to appointment of counsel in habeas proceedings. 20
See, e.g., Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986); Anderson v. Heinze, 258 F.2d 21
479, 481 (9th Cir. 1958).

However, 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of 22 counsel at any stage of
the proceeding for financially eligible persons if “the interests of justice 23 so require.” To
determine whether to appoint counsel, the “court must evaluate the likelihood of 24 success on the
merits as well as the ability of the petitioner to articulate his claims pro se in light 25 of the
complexity of the legal issues involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir.

26 1983). 27 In light of Petitioner's allegations that he was detained on May 26, 2025, during a 1 |
ins, (ECF No. 1 at 6-7), the Court finds that the interests of justice would be served by the 2, |
appointment of counsel if Petitioner is financially eligible given the complexity of the legal 3 |
issues involved. 4 Accordingly, the Court HEREBY ORDERS: 5 1.

The matter is hereby referred to the Federal Public Defender's Office to find counsel for 6
Petitioner if Petitioner is financially eligible for appointment of counsel pursuant to 18 7 US.C. §

3006A(a)(2)(B). 8 2. Within SEVEN (7) days of the date of service of this order, a notice shall be filed with 9 the Court by the Federal Public Defender's Office regarding whether Petitioner is 10 financially eligible for appointment of counsel.

11 3. The Clerk of the Court shall serve a copy of this order and the petition for writ of habeas 12 corpus on the Federal Defender, Attention: Habeas Appointment. 13 IT IS SO ORDERED. 14 15 Dated: _ December 3, 2025 [sl heey 6 UNITED STATES MAGISTRATE JUDGE 17 18 19 20 21 22 23 24 25 26 27 28