

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Scroggins v. Smith

Scroggins · No. 1:24-cv-00519-JLT-CDB (HC) · Decided August 26, 2025

OPINION

(HC) Scroggins v. Smith

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 RANDY LEE SCROGGINS, Case No. 1:24-cv-00519-JLT-CDB (HC) 12 Petitioner,
ORDER DENYING SECOND MOTION FOR
APPOINTMENT OF COUNSEL

13 v. (Doc. 14)

14 STEVE SMITH,

15 Respondent. 16

17 Petitioner Randy Lee Scroggins (“Petitioner”), a state prisoner, proceeds pro se with a 18
petition for writ of habeas corpus filed under 28 U.S.C. § 2254. (Doc. 1). Pending before the
Court 19 is Petitioner’s second motion for the Court to appoint counsel to represent him. (Doc.
14). In 20 support of his motion, Petitioner advances the following grounds: (1) he lacks financial
resources 21 to retain an attorney; (2) he has no legal training; (3) the Court has ordered
Respondent to respond 22 to the petition and, thus, Petitioner must review the response to prepare
his traverse; and (3) the 23 legal issue brought in his petition and addressed in any response is
complex and involves an unusual 24 fact pattern. (Doc. 14 at 2-3). 25 There is no constitutional
right to counsel in federal habeas proceedings. *Coleman v. Thompson*, 501 U.S. 722, 752
(1991); *Bonin v. Vasquez*, 999 F.2d 425, 429 (9th Cir. 1993). 27 However, the Criminal Justice
Act 18 U.S.C. § 3006A, authorizes the Court to appoint counsel for *nen nnn eon nnn nn ee EI EO*
IE I 1 interest of justice so require.” *Jd. at § 3006A(a)(2)(B)*; see *Chaney v. Lewis*, 801 F.2d 1191,
1196 2 | (9th Cir. 1986) (“Indigent state prisoners applying for habeas corpus relief are not entitled
to 3 || appointed counsel unless the circumstances of a particular case indicate that appointed
counsel is 4 | necessary to prevent due process violations.”). Moreover, the Rules Governing
Section 2254 Cases 5 | in the United States District Courts require the Court to appoint counsel:
(1) where discovery is 6 | authorized on a showing of good cause and counsel is deemed
“necessary” to facilitate effective 7 | discovery; or (2) when the court has determined that an
evidentiary hearing is warranted for the 8 | disposition of a petition. See Habeas Rules 6(a) and

8(c). 9 The Court finds Petitioner has not demonstrated that appointment of counsel is necessary
10 | or warranted at this stage of proceedings. Although Petitioner asserts that this case involves a
11 | complex legal issue and contains an unusual factual record, the Court notes that the types of
12 | court evidentiary rulings and related Confrontation Clause issues implicated in this case
13 | are not unusual in habeas proceedings. Furthermore, Petitioner has not shown any exceptional
14 || circumstances warrant the appointment of counsel at this stage. Petitioner's proffered
15 | difficulties with his lack of education and legal training are shared with many other habeas
16 | petitioners. Therefore, at this stage, the circumstances of this case do not indicate that
17 | appointed counsel is necessary or that failure to appoint counsel necessarily would implicate
18 | due process concerns. Accordingly, it is HEREBY ORDERED that Petitioner's second motion
19 | for appointment of counsel (Doc. 14) is DENIED WITHOUT PREJUDICE. 20 | IT IS
21 | SO ORDERED. Dated: _ August 25, 2025 | hr
22 UNITED STATES MAGISTRATE JUDGE
23 24 25 26 27 28