

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Vladimirovich v. Giles

No. 1:25-cv-00953-SKO (HC) (E.D. Cal. Aug. 6, 2025) · No. 1:25-cv-00953-SKO (HC) · Decided August 7, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Melnyk O. Vladimirovich’s request for appointment of counsel in a habeas proceeding. The court held that the interests of justice did not require appointing counsel at that stage of the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sheila K. Oberto
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 7, 2025
DOCKET	1:25-cv-00953-SKO (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought appointment of counsel in a federal habeas proceeding.
STANDARD OF REVIEW	Appointment of counsel in a habeas proceeding is discretionary and authorized when the interests of justice so require.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order
PARTIES	Melnyk O. Vladimirovich, Petitioner v. Thomas Giles, et al., Respondents

TOPICS

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

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Appointment of counsel

QUESTIONS PRESENTED

1. Whether counsel should be appointed for petitioner in the habeas proceeding under 18 U.S.C. § 3006A(a)(2)(B) and Rule 8(c) of the Rules Governing Section 2254 Cases.

HOLDINGS

1. There is no absolute right to appointment of counsel in habeas proceedings.
2. The interests of justice did not require appointment of counsel at the present time, so the request was denied.

KEY QUOTATIONS

“There currently exists no absolute right to appointment of counsel in habeas proceedings.” (1)

“However, Title 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of counsel at any stage of the case if “the interests of justice so require.”” (1)

FACTUAL BACKGROUND

Melnyk O. Vladimirovich is a petitioner in a federal habeas proceeding against Thomas Giles and other respondents. He requested appointment of counsel. The court found no present requirement in the interests of justice for appointing counsel.

PROCEDURAL HISTORY

Petitioner filed a habeas action and moved for appointment of counsel. The district court denied the motion, concluding that the interests of justice did not require appointment of counsel at that time.

DISPOSITION

other

CASES CITED

- Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958)
- Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir. 1984)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MELNYK O. VLADIMIROVICH, Case No. 1:25-cv-00953-SKO (HC) 12
Petitioner, ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL 13 v. [Doc. 2] 14
THOMAS GILES, et al., 15 Respondents. 16 17 Petitioner has requested the appointment of
counsel. There currently exists no absolute 18 right to appointment of counsel in habeas
proceedings.

See, e.g., Anderson v. Heinze, 258 F.2d 19 479, 481 (9th Cir. 1958); Mitchell v. Wyrick, 727 F.2d
773, 774 (8th Cir. 1984). However, Title 20 18 U.S.C. § 3006A(a)(2)(B) authorizes the

appointment of counsel at any stage of the case if "the 21 interests of justice so require." See Rule 8(c), Rules Governing Section 2254 Cases.

In the 22 present case, the Court does not find that the interests of justice require the appointment of 23 counsel at the present time. 24 Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of 25 counsel is DENIED. 26 IT IS SO ORDERED. 27 Dated: August 6, 2025 /s/ Sheila K. Oberto. 1 UNITED STATES MAGISTRATE JUDGE 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27