

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Benito Julian Luna v. B. Phillips

Luna v. Phillips · No. 2:24-cv-1686-DC-JDP (P) · Decided November 13, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Benito Julian Luna’s request for appointment of counsel without prejudice in a habeas proceeding. The court granted his request for additional time and ordered him to file objections to the findings and recommendations within fourteen days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 13, 2025
DOCKET	2:24-cv-1686-DC-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	In a pending federal habeas proceeding, the petitioner moved for appointment of counsel and an extension of time to object to findings and recommendations.
STANDARD OF REVIEW	The court exercised discretion under 18 U.S.C. § 3006A and Rule 8(c) of the Rules Governing Section 2254 Cases to determine whether the interests of justice warranted appointment of counsel.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order
PARTIES	Benito Julian Luna v. B. Phillips

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.
- 2. Whether petitioner should receive an extension of time to file objections to the findings and recommendations.

HOLDINGS

- 1. There is no absolute right to appointed counsel in habeas proceedings, and appointment is discretionary when the interests of justice so require. On the present record, the interests of justice did not warrant appointment of counsel.
- 2. Petitioner's request for an extension of time to file objections to the findings and recommendations was granted, and objections were ordered filed within fourteen days from the date of the order.

KEY QUOTATIONS

- “There currently exists no absolute right to appointment of counsel in habeas proceedings.” (at 1)
- “However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.”” (at 1)

FACTUAL BACKGROUND

Petitioner sought appointment of counsel in his federal habeas proceeding and also requested additional time to object to findings and recommendations. The court found that the interests of justice did not presently require appointed counsel, but granted the requested extension.

PROCEDURAL HISTORY

Petitioner Benito Julian Luna filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. While the matter was pending, he requested appointment of counsel and additional time to file objections to findings and recommendations. The district court denied appointment of counsel without prejudice, granted the extension, and ordered objections filed within fourteen days.

DISPOSITION

other

CASES CITED

- Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996)

OPINION

Phillips

PER CURIAM.

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 BENITO JULIAN LUNA, Case No. 2:24-cv-1686-DC-JDP (P) 12 Petitioner, 13 v. ORDER
14 B. PHILLIPS,

15 Respondent. 16

17 Petitioner has requested the appointment of counsel and an extension of time to file 18
objections to the findings and recommendations. ECF No. 17. There currently exists no absolute
19 right to appointment of counsel in habeas proceedings. See *Nevius v. Sumner*, 105 F.3d 453,
460 20 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any
stage 21 of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing §
2254 Cases. 22 In the present case, the court does not find that the interests of justice would be
served by the 23 appointment of counsel at the present time. 24 Accordingly, IT IS HEREBY
ORDERED that: 25 1. Petitioner’s request for appointment of counsel, ECF No. 17, is DENIED
without 26 prejudice; 27 2. Petitioner’s request for an extension of time, ECF No. 17, is
GRANTED; and 28 3. Petitioner shall file objections to the findings and recommendations within
fourteen 1 | days from the date of this order. 2 | IT IS SO ORDERED. 4 | Dated: _ November 13,
2025 ssn ‘ot Sa

JEREMY D. PETERSON

5 UNITED STATES MAGISTRATE JUDGE

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