

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Juan Hilario Serrano De Leon v. On Habeas Corpus

Serrano De Leon · No. 1:25-cv-01867-JLT-EPG-HC · Decided December 23, 2025

SUMMARY

The United States District Court for the Eastern District of California addresses appointment of counsel for a pro se immigration detainee seeking habeas relief under 28 U.S.C. § 2241. The court refers the matter to the Federal Public Defender’s Office to determine the petitioner’s financial eligibility and whether counsel can be appointed in the interests of justice, and directs service of the order and petition.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 23, 2025
DOCKET	1:25-cv-01867-JLT-EPG-HC
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner, an immigration detainee proceeding pro se under 28 U.S.C. § 2241, sought appointment of counsel in his federal habeas proceeding.
STANDARD OF REVIEW	The court evaluates the likelihood of success on the merits and the petitioner's ability to articulate claims pro se in light of the complexity of the legal issues.
PRECEDENTIAL VALUE	Unknown; district court appointment-of-counsel order
PARTIES	Juan Hilario Serrano De Leon v. On Habeas Corpus

TOPICS

- immigration detention
- federal habeas corpus
- immigration
- civil procedure

PRACTICE AREAS

- Immigration
- Federal habeas corpus
- Appointment of counsel

QUESTIONS PRESENTED

1. Whether counsel should be appointed for a financially eligible habeas petitioner under 18 U.S.C. § 3006A(a)(2)(B).
2. What standard governs discretionary appointment of counsel in a habeas proceeding.

HOLDINGS

1. There is no absolute right to appointment of counsel in habeas proceedings.
2. Appointment of counsel would serve the interests of justice if petitioner was financially eligible, given the complexity of the legal issues involved.

KEY QUOTATIONS

“To determine whether to appoint counsel, the “court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.”” (1)

FACTUAL BACKGROUND

Juan Hilario Serrano De Leon was an immigration detainee proceeding without counsel in a § 2241 habeas proceeding. He alleged that he had been called and told to report in person, and the court found that the complexity of the legal issues supported appointment of counsel if he was financially eligible.

PROCEDURAL HISTORY

The petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241. The district court determined that appointment of counsel would serve the interests of justice if petitioner was financially eligible and referred the matter to the Federal Public Defender's Office for an eligibility determination and possible appointment.

DISPOSITION

other

CASES CITED

- Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986)
- Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958)
- Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983)

OPINION

Juan Hilario Serrano De Leon v. On Habeas Corpus

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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11 JUAN HILARIO SERRANO DE LEON, Case No. 1:25-cv-01867-JLT-EPG-HC

12 Petitioner, ORDER REGARDING APPOINTMENT OF

COUNSEL

13 v.

14 ON HABEAS CORPUS, ORDER DIRECTING CLERK OF COURT

TO SERVE ORDER AND COPY OF

15 Respondent. PETITION ON FEDERAL DEFENDER 16 17 Petitioner is an immigration
detainee proceeding pro se with a petition for a writ of 18 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 called and told to report in person
and was 1 | Justice would be served by the appointment of counsel if Petitioner is financially
eligible given 9, | the complexity of the legal issues involved. 3 Accordingly, the Court HEREBY
ORDERS: 4 1. The matter is hereby referred to the Federal Public Defender’s Office to find
counsel for 5 Petitioner if Petitioner is financially eligible for appointment of counsel pursuant to
18 6 US.C. § 3006A(a)(2)(B). 7 2. Within SEVEN (7) days of the date of service of this order, a
notice shall be filed with 8 the Court by the Federal Public Defender’s Office regarding whether
Petitioner is 9 financially eligible for appointment of counsel. 10 3. The Clerk of the Court shall
serve a copy of this order and the petition for writ of habeas 11 corpus on the Federal Defender,
Attention: Habeas Appointment. 12 IT IS SO ORDERED. 13 14] Dated: _ December 23, 2025 hey
5 UNITED STATES MAGISTRATE JUDGE
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