

**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

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 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 U.S.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 16 17 18 19 20 21
22 23 24 25 26 27 28

