

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA, )  
4 )  
5 Plaintiff, )  
6 vs. )  
7 KEVIN HALL, )  
8 Defendant. )

Case No.: 2:14-cr-00321-GMN-NJK-1

ORDER

9  
10 Pending before the Court is Petitioner Kevin Hall’s (“Petitioner”) Letter, (ECF No. 439),  
11 which the Court construes as a Motion for Appointment of Counsel. For the reasons set forth  
12 below, Petitioner’s Motion for Appointment of Counsel is **DENIED**.

13 By the instant Motion, Petitioner requests the Court appoint counsel to assist him in his  
14 pending Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 (“§ 2255  
15 Motion”). (ECF No. 434). Petitioner argues appointment of counsel is needed for him to  
16 adequately respond to the Government’s contention his § 2255 Motion is untimely, and  
17 articulately present his claim that his conviction should be vacated because Hobbs Act Robbery  
18 is not a crime of violence. (Mot. Appoint Counsel at 1).


19 The Sixth Amendment’s right to counsel does not apply in habeas corpus actions. *See*  
20 *Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). An indigent petitioner seeking relief  
21 under 28 U.S.C. § 2255 may move the court for appointment of representation to pursue that  
22 relief. 18 U.S.C. § 3006(A)(2)(B). The court has discretion to appoint counsel when the  
23 interest of justice so requires. 18 U.S.C. § 3006(A)(2). The interest of justice so requires where  
24 the complexities of the case are such that denial of counsel would amount to a denial of due  
25 process. *See Brown v. United States*, 623 F.2d 54, 61 (9th Cir. 1980).

1 Here, the Court has reviewed the documents and pleadings on file in this matter and  
2 finds that appointment of counsel is not warranted. The issues raised in Petitioner's § 2255 are  
3 not complex, and Petitioner has adequately stated his claims. *United States v. Guzman-*  
4 *Cellabos*, No. 2:14-cr-00183, 2023 WL 2020060, at \*3 (D. Nev. Feb. 14, 2023).

5 Accordingly, **IT IS HEREBY ORDERED** that Petitioner's Motion for Appointment of  
6 Counsel, (ECF No. 439), is **DENIED**.

7 **IT IS FURTHER ORDERED** that Petitioner will be given an additional three weeks to  
8 file a Reply to the Government's Response, (ECF No. 438). Petitioner's Reply is now due by  
9 August 31, 2023.

10 **DATED** this 10 day of August, 2023.

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15 Gloria M. Navarro, District Judge  
16 United States District Court  
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