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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSE E. MOTEN, Petitioner, v. JEANNE WOODFORD, Respondent.	1:05-cv-01635-OWW-TAG HC ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL (Doc. 4)

Petitioner has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See e.g., Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir.), cert. denied, 358 U.S. 889 (1958); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir.), cert. denied, 469 U.S. 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Rules Governing Section 2254 Cases. In the present case, the Court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for appointment of counsel (Doc. 4), is DENIED.

IT IS SO ORDERED.

Dated: **February 17, 2006**
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/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE

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