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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADRIAN JOHNSON,)	1:06-CV-0131 OWW LJO HC
)	
Petitioner,)	ORDER DENYING MOTION FOR
)	APPOINTMENT OF COUNSEL
v.)	[Doc. #2]
)	
SCOTT KERNAN, Warden,)	ORDER GRANTING MOTION TO
)	PROCEED IN FORMA PAUPERIS
Respondent.)	[Doc. #5]

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On February 6, 2006, Petitioner filed a motion for 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, Petitioner’s request for appointment of counsel is DENIED without prejudice.

1 On February 13, 2006, Petitioner filed an application to proceed in forma pauperis and a
2 certified copy of his prison trust account. Examination of these documents reveals that Petitioner is
3 unable to afford the costs of this action. Accordingly, the motion to proceed in forma pauperis is
4 GRANTED. See 28 U.S.C. § 1915.

5 **ORDER**

6 Accordingly, IT IS HEREBY ORDERED:

- 7 1. Petitioner's motion for appointment of counsel is DENIED without prejudice; and
8 2. Petitioner's motion to proceed in forma pauperis is GRANTED.

9 IT IS SO ORDERED.

10 **Dated: February 14, 2006**
23ehd0

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE

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