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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEREK M. WOODEN,
Petitioner,

1:06-cv-00529-AWI-GSA-(HC)

vs.

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

PEOPLE OF THE STATE OF
CALIFORNIA, et al.,
Respondent.

(DOCUMENT #36)

_____/

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. The case has been closed since October 21, 2008. Accordingly, IT IS HEREBY ORDERED that petitioner's request for appointment of counsel is denied.

IT IS SO ORDERED.

Dated: July 27, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE