

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 MARTIN MAYS, 1:06-cv-00990 WMW (HC)
12 Petitioner,
13 vs. ORDER DENYING MOTION FOR
14 DERRAL ADAMS, APPOINTMENT OF COUNSEL
15 Respondent. (DOCUMENT #26)

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

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 request for appointment of

1 counsel is denied.

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4 IT IS SO ORDERED.

5 **Dated: April 16, 2009**

6 /s/ **William M. Wunderlich**
7 UNITED STATES MAGISTRATE JUDGE

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