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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 BOBBY LEWIS VAUGHN,

1:06-CV-01019-LJO-JMD (HC)

10 Petitioner,

11 vs.

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

12 G. J. GIURBINO,

(DOCUMENT #25)

13 Respondent.  
14 \_\_\_\_\_/

15 Petitioner has requested the appointment of counsel. There currently exists no absolute  
16 right to appointment of counsel in habeas proceedings. *See e.g., Anderson v. Heinze*, 258 F.2d  
17 479, 481 (9th Cir.), *cert. denied*, 358 U.S. 889 (1958); *Mitchell v. Wyrick*, 727 F.2d 773 (8th Cir.),  
18 *cert. denied*, 469 U.S. 823 (1984).

19 However, Title 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage  
20 of the case "if the interests of justice so require." *See* Rule 8(c), Rules Governing Section 2254  
21 Cases. In the present case, the court does not find that the interests of justice would be served by  
22 the appointment of counsel at the present time.

23 Accordingly, IT IS HEREBY ORDERED that petitioner's request for appointment of  
24 counsel is denied.

25 IT IS SO ORDERED.

26 **Dated: February 10, 2009**

**/s/ John M. Dixon**

UNITED STATES MAGISTRATE JUDGE