UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DON JAUN CORNELIOUS,

Petitioner,

vs.

ROSANNE CAMPBELL,

Respondent.

_____/

1:06-cv-1500 OWW-TAG (HC)

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL AND FOR ORDER DIRECTING DISTRICT ATTORNEY TO PROVIDE DISCOVERY

(DOCUMENT #8)

On January 22, 2008, Petitioner filed a motion for an order appointing counsel to represent him, and for an order directing "the District Attorney to provide all relevant 'Discovery' due to the court giving the Petitioner an order to show cause." (Doc. 8).

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. 1958); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir. 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 motion for appointment of counsel will be denied.

Petitioner's second request seeks an order directing the District Attorney to provide "all relevant Discovery" based upon the alleged issuance of an order to show cause. The Court has not issued an order to show cause in this action. The Court has issued an order directing the Respondent to file a response to the instant petition for writ of habeas corpus. (Doc. 6). The

Respondent has not yet appeared in this action, and the "District Attorney" is not a party to this action. Moreover, Petitioner's motion fails to identify with any particularity, or at all, what discovery is sought. Under these circumstances, Petitioner has failed to show good cause for the relief requested. Accordingly, Petitioner's motion for discovery will be denied.

ORDERS

Based on the foregoing, the Court makes the following orders:

1. Petitioner's motion for appointment of counsel is denied; and

2. Petitioner's motion for an order directing the District Attorney to provide discovery is denied.

IT IS SO ORDERED.

Dated: **February 6, 2008**

/s/ Theresa A. Goldner
UNITED STATES MAGISTRATE JUDGE