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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT VARDANYAN,
Petitioner,

vs.

ALBERTO R. GONZALES,
et al.,
Respondents.

1:07-cv-00723-AWI-NEW (DLB) HC

ORDER DENYING MOTION TO
PROCEED IN FORMA PAUPERIS
AND MOTION TO APPOINT COUNSEL

(DOCUMENTS #2 and #3)

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On, May 15, 2007, Petitioner filed an Application to Proceed In Forma Pauperis and a certified copy of his prison trust account statement. Examination of these documents reveals that Petitioner is able to afford the costs of this action. Specifically, six months prior to filing, Petitioner has had an average balance of at least \$157.23 in his account. His current balance is \$250.22.

Accordingly, the motion to proceed in forma pauperis is DENIED. See 28 U.S.C. § 1915. Petitioner is ORDERED to pay the five dollar (\$5.00) filing fee within thirty (30) days of the date of service of this order. Failure to follow this order may result in a recommendation that the Petition be dismissed pursuant to Local Rule 11-110.

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

1 counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Rules
2 Governing Section 2254 Cases. In the present case, the court does not find that the interests of
3 justice would be served by the appointment of counsel at the present time. Accordingly, IT IS
4 HEREBY ORDERED that petitioner's request for appointment of counsel is denied.

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6 IT IS SO ORDERED.

7 **Dated:** May 30, 2007

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE

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