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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ERIC LEE HACKETT,
12 Petitioner,
13 vs.

14 CITY OF FRESNO,
15 Respondent.

1:08-cv-01041 AWI SMS (HC)

**ORDER DENYING MOTION FOR
WAIVER OF FILING FEES AS MOOT**

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

(DOCUMENT #8)

16 _____ /
17 On January 12, 2009, petitioner filed a motion for the waiver of the filing fees in
18 this matter and a motion for the appointment of counsel.

19 Due to the fact that the Court granted petitioner leave to proceed in forma
20 pauperis in this matter on August 18, 2008, the motion for the waiver of the filing fees shall be
21 denied.

22 As to the motion for appointment of counsel, there currently exists no absolute
23 right to appointment of counsel in habeas proceedings. See e.g., Anderson v. Heinze, 258 F.2d
24 479, 481 (9th Cir.), cert. denied, 358 U.S. 889 (1958); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir.),
25 cert. denied, 469 U.S. 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the appointment
26 of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Rules
27 Governing Section 2254 Cases. In the present case, the court does not find that the interests of

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1 justice would be served by the appointment of counsel at the present time. Accordingly, IT IS
2 HEREBY ORDERED that:

3 1. Petitioner's motion for the waiver of the filing fees in this matter is DENIED;

4 2. Petitioner's motion for appointment of counsel is DENIED.

5 IT IS SO ORDERED.

6 **Dated: January 23, 2009**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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