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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KEITH WIGGINS, ) 1:08-CV-01175 OWW JMD HC  
Petitioner, )  
v. ) ORDER DENYING MOTION TO APPOINT  
J.F. SALAZAR, ) COUNSEL  
Respondent. ) [DOC # 17]

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

On December 17, 2008, Petitioner filed a motion to appoint counsel, contained within his reply to Respondent's answer. Currently, there exists no absolute right to the 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, 774 (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.

Here, the Court does not find that the interests of justice require the appointment of counsel at the present time. Accordingly, Petitioner's request for appointment of counsel is DENIED.

**IT IS SO ORDERED.**

**Dated: January 22, 2009**

**/s/ John M. Dixon**  
**UNITED STATES MAGISTRATE JUDGE**