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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAR YANG,

1:09-cv-01195-YNP (HC)

Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

vs.

DISTRICT DIRECTOR OF IMMIGRATION
AND NATURALIZATION SERVICE, SAN
FRANCISCO, CALIFORNIA, et al.

(DOCUMENT #3)

Respondent.

_____ /

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

On July 10, 2009, Petitioner filed a motion requesting that he be appointed counsel. (Doc. #3).

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 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

1 at the present time.

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

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5 IT IS SO ORDERED.

6 **Dated: July 14, 2009**

/s/ **Dennis L. Beck**
UNITED STATES MAGISTRATE JUDGE

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