

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 ERNESTO B. RODRIGUEZ,

1:09-cv-01376-JLT (HC)

12 Petitioner,
13 vs.

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

14 JAMES WALKER,

15 Respondent.

(Doc. 8)

16 _____ /
17 Petitioner has requested the appointment of counsel, contending that he is not versed in
18 the law, is unable to afford privately retained counsel and that the complexity of the issues require
19 appointment of counsel. (Doc. 8). There currently exists no absolute right to appointment of
20 counsel in habeas proceedings. See e.g., Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir.), cert.
21 denied, 358 U.S. 889 (1958); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir.), cert. denied, 469 U.S.
22 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage
23 of the case "if the interests of justice so require." See Rule 8(c), Rules Governing Section 2254
24 Cases. In the present case, the Court does not find that the interests of justice require the
25 appointment of counsel at the present time. Accordingly, IT IS HEREBY ORDERED that
petitioner's request for appointment of counsel (Doc. 8), is DENIED.

26 IT IS SO ORDERED.

27 Dated: May 3, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

28