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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 Keith Somers,

1:09-cv-01590 DLB (HC)

12 Petitioner,

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

13 vs.

14 Ken Clark,

(DOCUMENT #3)

15 Respondent.  
16 \_\_\_\_\_ /

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

25  
26 IT IS SO ORDERED.

27 **Dated: September 15, 2009**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE