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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DENNIS THOMAS,

1:09-cv-02252-LJO-MJS (HC)

Petitioner,

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

vs.

JAMES HARTLEY, Warden,

(Doc. 26)

Respondent.

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On September 29, 2011 Petitioner filed a request for a form to fill out to request the appointment of counsel. Liberally construing the request, the Court shall consider the filing as a motion for the appointment of counsel. 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. 1958); Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir. 1984). However, Title 18 U.S.C. § 3006A(a)(2)(B) 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 require the appointment of counsel at the present time. Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of counsel is denied.

IT IS SO ORDERED.

Dated: November 2, 2011

1st Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE