

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROXANNE ARI, 1:10-cv-00008-AWI-GSA (HC)

10 Petitioner,
11 vs. ORDER DENYING MOTION FOR
12 MARY LATTIMORE, APPOINTMENT OF COUNSEL
13 Respondent. (DOCUMENT #20)

Petitioner has requested 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.), 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 at the present time. The case has been terminated and is on appeal to the Ninth Circuit Court of Appeals. Petitioner is advised she should present her motion directly to the Ninth Circuit.

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

26 || IT IS SO ORDERED.

27 || Dated: May 20, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE