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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 ROXANNE ARI,

1:10-cv-00008-AWI-GSA (HC)

10 Petitioner,

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

11 vs.

12 MARY LATTIMORE,

(DOCUMENT #20)

13 Respondent.  
14 \_\_\_\_\_/

15 Petitioner has requested the appointment of counsel. There currently exists no absolute  
16 right to appointment of counsel in habeas proceedings. See e.g., Anderson v. Heinze, 258 F.2d  
17 479, 481 (9th Cir.), cert. denied, 358 U.S. 889 (1958); Mitchell v. Wyrick, 727 F.2d 773 (8th Cir.),  
18 cert. denied, 469 U.S. 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the appointment  
19 of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Rules  
20 Governing Section 2254 Cases. In the present case, the court does not find that the interests of  
21 justice would be served by the appointment of counsel at the present time. The case has been  
22 terminated and is on appeal to the Ninth Circuit Court of Appeals. Petitioner is advised she should  
23 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