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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY LOPEZ,

1:10-cv-00390-JLT (HC)

Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

vs.

MICHAEL MARTEL,

(Doc. 3)

Respondent.

_____ /

Petitioner has requested the appointment of counsel, citing as grounds therefore
Petitioner’s contention that an evidentiary hearing is required and appointed counsel necessary in
order to investigate various factual issues. (Doc. 3). 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 require the
appointment of counsel at the present time. The Court has not conducted its preliminary screening
of the petition and therefore any request for an evidentiary hearing to resolve purported factual
disputes is premature. If the Court determines that an evidentiary hearing is required, the Court

1 will reconsider the need for appointment of counsel and Petitioner's may renew his request at that
2 time. Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of
3 counsel (Doc. 3), is DENIED.

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5 IT IS SO ORDERED.

6 Dated: March 10, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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