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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE J. HERNANDEZ,

1:10-cv-00391-JLT (HC)

Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

vs.

NEW FOLSOM STATE PRISON WARDEN,

(DOCUMENT #13)

Respondent.

_____ /

Petitioner has requested the appointment of counsel, on the grounds that he lacks the legal background to effectively represent himself and because the severity of the sentence, i.e., life without the possibility of parole, justifies legal representation. (Doc. 13). 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, despite the severity of Petitioner's sentence, the Court does not find that the interests of justice require the appointment of counsel at the present time.

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Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of counsel (Doc. 13), is DENIED.

IT IS SO ORDERED.

Dated: March 31, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE