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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSE AVINA,

1:10-cv-00790-OWW-MJS-(HC)

12 Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

13 vs.

14 DARREL G. ADAMS,

(Doc. 22)

15 Respondent.
16 _____ /

17 Petitioner has requested the appointment of counsel. There currently exists no
18 absolute right to appointment of counsel in habeas proceedings. See, e.g., Anderson v.
19 Heinze, 258 F.2d 479, 481 (9th Cir. 1958); Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir.
20 1984). However, Title 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of counsel at
21 any stage of the case if "the interests of justice so require." See Rule 8(c), Rules Governing
22 Section 2254 Cases. In the present case, the Court does not find that the interests of justice
23 require the appointment of counsel at the present time. Accordingly, IT IS HEREBY
24 ORDERED that Petitioner's request for appointment of counsel is denied.

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26 IT IS SO ORDERED.

27 Dated: January 31, 2011

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE
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