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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILLIP ADAMS,

1:10-cv-01325-AWI-JLT (HC)

Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

vs.

KEN CLARK,

(Doc. 12)

Respondent.

_____ /

Petitioner has requested the appointment of counsel, alleging as grounds therefore that he is indigent and unskilled at the law, that he suffers from sleep apnea, and that the issues raised in the petition are complex and require expert witnesses to fairly present his case. (Doc. 12). 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. 1958); Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir. 1984). However, Title 18 U.S.C. § 3006A(a)(2)(B) 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.

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In the present case, the Court does not find that the interests of justice require the appointment of counsel at the present time. Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of counsel (Doc. 12), is DENIED.

IT IS SO ORDERED.

Dated: October 1, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE