

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 ROGER WAYNE HOLLIS,

1:10-cv-1329 GSA (HC)

12 Petitioner,

13 vs.

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

14 CHAVEZ,

(DOCUMENT #9, 10)

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. Heinze,  
19 258 F.2d 479, 481 (9th Cir. 1958); Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir. 1984).  
20 However, Title 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of counsel at any stage  
21 of the case if "the interests of justice so require." See Rule 8(c), Rules Governing Section 2254  
22 Cases. In the present case, the Court does not find that the interests of justice require the  
23 appointment of counsel at the present time. Accordingly, IT IS HEREBY ORDERED that  
24 Petitioner's request for appointment of counsel is denied.

25 IT IS SO ORDERED.

26 **Dated: August 16, 2010**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE