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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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|-------------------------|---|------------------------------------|
| JOHNNY LUGO IBARRA, IV, |) | Case No.: 1:10-cv-01809 LJO SAB HC |
| |) | |
| Petitioner, |) | ORDER DENYING MOTION FOR |
| |) | APPOINTMENT OF COUNSEL |
| v. |) | [Doc. #74] |
| |) | |
| ANTHONY HEDGPETH, |) | |
| |) | |
| Respondent. |) | |
| |) | |
| |) | |

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On September 16, 2013, Petitioner filed a motion for appointment of counsel. 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, 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. In the present case, the Court does not find that the interests of justice require the appointment of counsel at the present time.

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1 Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of counsel
2 is denied.

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5 IT IS SO ORDERED.

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7 Dated: September 19, 2013


UNITED STATES MAGISTRATE JUDGE

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