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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UTAH CHARLES KOON,

 Petitioner,

 v.

R.E. BARNES,

 Respondent.

1:11 -cv-00131-BAM (HC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Document #36)

Petitioner has requested the 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, Petitioner, who was convicted of theft and receiving stolen property, alleges claims concerning the instruction of the jury and the insufficiency of the evidence. The matters are not complex, and there is presently no determination that discovery or an evidentiary hearing would be necessary or appropriate.

Thus, 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 is DENIED.
IT IS SO ORDERED.

Dated: May 21, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE