

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 RYAN JOSEPH JAMES, 1:11-cv-00787-JLT (HC)
12 Petitioner,
13 vs. ORDER DENYING MOTION FOR
14 RAUL LOPEZ, APPOINTMENT OF COUNSEL
15 Respondent. (Doc. 2)

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

27 | Dated: June 16, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE