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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JERMAINE MICHAEL DEAN,

1:11-cv-00970 AWI JLT (HC)

Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

vs.

M. McDONALD,

(Doc. 13)

Respondent.

_____ /

Petitioner has requested the appointment of counsel, citing his lack of education, his unfamiliarity with the habeas process, his limited access to legal research, and the complexity of his case, as grounds therefore. (Doc. 13). 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. In the present case, the Court does not find that the interests of justice require the appointment of counsel at the present time. The grounds cited by Petitioner are circumstances common to virtually all habeas petitions in this Court. The circumstances cited are neither extraordinary nor unusual; were the Court to grant counsel in every case where such circumstances were

1 present, the Court would have to appoint counsel in virtually every case.

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

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5 IT IS SO ORDERED.

6 Dated: June 29, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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