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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY L. SMITH,  
Petitioner,

v.

K. ALLISON, et al.,  
Respondents.

1:11-cv-01839 MJS (HC)

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

(Doc. 2)

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Petitioner has requested the appointment of counsel in this habeas corpus action.

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). 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.

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

IT IS SO ORDERED.

Dated: November 15, 2011

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE