

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SPENCER E. BERRY,

1:12 -cv-00901-BAM-(HC)

Petitioner,

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

MC DONALD,

(Document #32)

### Respondent.

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, although Petitioner presents multiple issues, the issues are not novel or particularly complex. The Court finds that the interests of justice do not 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.

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2 Dated: November 24, 2014  
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