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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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10 SPENCER E. BERRY,

11 Petitioner,

12 v.

13 MC DONALD,

14 Respondent.
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1:12 -cv-00901-BAM-(HC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Document #32)

18 Petitioner has requested the appointment of counsel. There currently exists no
19 absolute right to appointment of counsel in habeas proceedings. See, e.g., Anderson v.
20 Heinze, 258 F.2d 479, 481 (9th Cir. 1958); Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir.
21 1984). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes the appointment of counsel at any
22 stage of the case if "the interests of justice so require." See Rule 8(c), Rules Governing
23 Section 2254 Cases.

24 In the present case, although Petitioner presents multiple issues, the issues are not
25 novel or particularly complex. The Court finds that the interests of justice do not require the
26 appointment of counsel at the present time. Accordingly, IT IS HEREBY ORDERED that
27 Petitioner's request for appointment of counsel is DENIED.
28 IT IS SO ORDERED.

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Dated: November 24, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE