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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARTIN ROSS MIALE,

1:12-cv-1445 GSA (HC)

Petitioner,

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

vs.

TUOLUMNE COUNTY JAIL, et al,

(MOTION #3)

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, 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: September 17, 2012

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE