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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TROY WAYNE SMITH,

1:12-cv-01529-BAM (HC)

Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

vs.

K. HOLLAND, et al.,

(DOCUMENT #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 20, 2012

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE