## 1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 JOSE ONTIVEROS SEPULVEDA, Case No.: 1:13-cv-00723-JLT (HC) 12 Petitioner, ORDER DENYING PETITIONER'S MOTION TO APPOINT COUNSEL (Doc. 15) 13 v. SWARTHOUT, Warden, 14 15 Respondent. 16 17 Petitioner is a state prisoner proceeding in propria persona with a petition for writ of habeas 18 corpus pursuant to 28 U.S.C. § 2254. 19 **DISCUSSION** 20 On August 12, 2013, Petitioner filed the instant motion to appoint counsel, citing the fact that 21 his inmate legal advisor is being transferred to another institution. (Doc. 15). There currently exists 22 no absolute right to appointment of counsel in habeas proceedings. See e.g., Anderson v. Heinze, 258 23 F.2d 479, 481 (9th Cir.), cert. denied, 358 U.S. 889 (1958); Mitchell v. Wyrick, 727 F.2d 773 (8th 24 Cir.), cert. denied, 469 U.S. 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the 25 appointment of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), 26 Rules Governing Section 2254 Cases. In the present case, the Court does not find that the interests of 27 justice require the appointment of counsel at the present time.

Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for appointment of counsel

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1	(Doc. 15), is DENIED.	
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3	IT IS SO ORDERED.	
4	Dated: January 8, 2014 /s/ Jennifer L. Thurston	
5	UNITED STATES MAGISTRATE JUDG	E
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