

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE BARAJAS,
Petitioner,
v.
TIM VIRGA,
Respondent.

1:13 -cv-02000 AWI SKO (HC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Document#21)

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 there are numerous issues, but there is no unusual complexity, and there is no discovery pending. There are no extraordinary circumstances. The Court does not find that the interests of justice require the appointment of counsel at the present time. By separate order the Court has granted Petitioner a lengthy extension of time in which to file a traverse.

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that Petitioner's request for appointment of counsel is DENIED.
IT IS SO ORDERED.

Dated: August 20, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE