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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GARY DALE BARGER,  
Petitioner,  
v.  
RACKLEY,  
Respondent.

1:14 -cv-01629-LJO-JLT-(HC)  
  
ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL  
  
(Doc. 9)

Petitioner has requested the appointment of counsel, citing a muscular condition that makes writing difficult as grounds therefore. 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.

Here, the Court issued Findings and Recommendations to dismiss the petition for lack of habeas jurisdiction on November 10, 2014. (Doc. 7) The Court does not find that the interests of justice require the appointment of counsel at the present time.

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

IT IS SO ORDERED.

Dated: November 24, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE