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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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10 GARY DALE BARGER,

11 Petitioner,

12 v.

13 DIRECTOR OF OPS OF CDCR,

14 Respondent.  
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1:14 -cv-01693-BAM (HC)

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

(Document#15)

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17 Petitioner has requested the appointment of counsel. There currently exists no  
18 absolute right to appointment of counsel in habeas proceedings. See, e.g.,  
19 Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958); Mitchell v. Wyrick, 727  
20 F.2d 773, 774 (8th Cir. 1984). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes  
21 the appointment of counsel at any stage of the case if "the interests of justice so  
22 require." See Rule 8(c), Rules Governing Section 2254 Cases. In the present case,  
23 although the Petitioner submits records that show that in 2013 he suffered  
24 traumatic brain injury, it does not appear that the petition raises novel or complex  
25 claims. The Court is awaiting Petitioner's response to the order regarding consent  
26 to Magistrate Judge jurisdiction that issued on November 3, 2014; once the Court  
27 receives Petitioner's response, the case will be screened in detail, which will  
28 permit the claims to be evaluated. In summary, 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: **November 25, 2014**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE