

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARY DALE BARGER,

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

Petitioner,

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

DIRECTOR OF OPS OF CDCR,

(Document#15)

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, 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, although the Petitioner submits records that show that in 2013 he suffered traumatic brain injury, it does not appear that the petition raises novel or complex claims. The Court is awaiting Petitioner's response to the order regarding consent to Magistrate Judge jurisdiction that issued on November 3, 2014; once the Court receives Petitioner's response, the case will be screened in detail, which will 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.

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

4 Dated: November 25, 2014

5 /s/ *Barbara A. McAuliffe*
6 UNITED STATES MAGISTRATE JUDGE

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