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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID LEE, JR.,
Petitioner,

v.

SCOTT FRAUENHEIM,
Respondent.

1:15-cv-01774-JLT (HC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Doc. 44)

Petitioner has requested the appointment of counsel, citing, inter alia, the complexity of the issues and length of the trial transcript 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.

In the present case, the Court does not find that the interests of justice require the appointment of counsel at the present time. The issues Petitioner seeks to raise are common federal habeas issues that this Court routinely addresses. Petitioner indicates he has already made a "prima facie" showing of a federal habeas claim in state court. This allegation undercuts his claim that he needs additional legal resources to make the same claims in this Court.

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Accordingly, Petitioner's request for appointment of counsel is **DENIED**.

IT IS SO ORDERED.

Dated: July 30, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE