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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALVAR MONTANEZ REYES,
Petitioner,
v.
MICHAEL SEXTON, Acting Warden
Respondent.

Case No. 1:16-cv-00043-LJO-MJS (HC)
**ORDER DENYING MOTIONS FOR
APPOINTMENT OF COUNSEL
(ECF No. 18)**
**ORDER GRANTING MOTIONS FOR STATUS
(ECF Nos. 19, 20, 21)**

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On October 27, 2016, Petitioner filed a motion for appointment of counsel. (ECF No. 18.)

On January 20, February 27, and May 5, 2017, he filed motions seeking the status of his motion for appointment of counsel and his petition. (ECF Nos. 19, 20, 21.)

I. Motion for Status

Judges in the Eastern District of California carry the heaviest caseloads in the nation, and are unable to devote inordinate time and resources to individual cases and

1 matters. Given these burdens, the Court addresses only the arguments and evidence
2 necessary to resolve matters pending before the Court. The Court simply cannot
3 respond to miscellaneous correspondence.

4 Petitioner's motion for the appointment of counsel is addressed herein. His
5 petition remains pending and will be addressed in due course. To the extent this
6 information resolves the motions for status, the motions will be granted.

7 **II. Motion for Appointment of Counsel**

8 Petitioner has requested the appointment of counsel. There currently exists no
9 absolute right to appointment of counsel in habeas proceedings. See, e.g., Anderson v.
10 Heinze, 258 F.2d 479, 481 (9th Cir. 1958); Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir.
11 1984). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage
12 of the case "if the interests of justice so require." See Rule 8(c), Fed. R. Governing
13 § 2254 Cases. In the present case, the court does not find that the interests of justice
14 require the appointment of counsel at the present time. Accordingly, the motion will be
15 denied without prejudice.

16 **III. Conclusion and Order**

17 Based on the foregoing, it is HEREBY ORDERED that:

- 18 1. Petitioner's motion for the appointment of counsel (ECF No. 18) is DENIED
19 without prejudice;
- 20 2. Petitioner's motions for status (ECF Nos. 19, 20, and 21) are GRANTED,
21 to the extent they are addressed herein.

22
23 IT IS SO ORDERED.

24 Dated: June 20, 2017

/s/ Michael J. Seng
25 UNITED STATES MAGISTRATE JUDGE