

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

4 THEODORE CURTIS ROWE,
5 Petitioner,

6 v.

7 BITER, Warden,
8 Respondent.

CASE NO. 1:16-cv-00667-LJO-SKO HC

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

(Doc. 11)

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11 Petitioner, proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C.
12 § 2254, moves for appointment of counsel. In habeas proceedings, no absolute right to appointment of
13 counsel currently exists. *See, e.g., Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir. 1958); *Mitchell v.*
14 *Wyrick*, 727 F.2d 773, 774 (8th Cir. 1984). Nonetheless, a court may appoint counsel at any stage of the
15 case "if the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B); Rule 8(c), Rules Governing
16 Section 2254 Cases.

17 Petitioner contends that appointment of counsel is required since the Court's order for response
18 refers to "claims" but he has only a single claim. He argues that this language must indicate that he
19 made an error in his petition. Petitioner need not be concerned by the use of general language in a form
20 order: He has competently filed his petition. His careful reading of the response order reveals his
21 attentiveness and ability to pursue his claim.

22 Accordingly, the Court finds no evidence that the interests of justice require the appointment of
23 counsel at this time. The motion for appointment of counsel is DENIED.

24 IT IS SO ORDERED.

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26 Dated: June 7, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE