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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE M. LOPEZ,

Petitioner,

v.

DANIEL PARAMO, Warden,

Respondent.

CASE NO. 1:16-cv-01489-LJO-SKO HC

ORDER DENYING PETITIONER'S MOTION
FOR RECONSIDERATION OF THE COURT'S
DENIAL OF APPOINTMENT OF COUNSEL

(Doc. 18)

Petitioner Jose M. Lopez, proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, moves for reconsideration of the Court's January 30, 2016, order denying appointment of counsel to assist in the preparation of Petitioner's reply (traverse). Petitioner contends that he requires assistance due to Respondent's lengthy answer to the petition and Petitioner's difficulty in writing the reply following recent arm and shoulder surgery. Petitioner indicates that he expects to be able to use a pen on or before March 15, 2017.

In federal habeas proceedings, no absolute right to appointment of counsel currently exists. *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). Nonetheless, a court may appoint counsel at any stage of the case "if the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B); Rule 8(c), Rules Governing Section 2254 Cases. Petitioner has capably represented himself to this point, including his filing of a petition setting forth the same issues he now deems complex. Because the interests of justice do not require appointment of counsel at

1 this advanced stage of the proceedings, the Court declines to reconsider its previous denial of appointed
2 counsel.

3 Petitioner's motion for appointment of counsel is hereby DENIED. In view of Petitioner's recent
4 surgery, however, the Court hereby ORDERS that the date for Petitioner's filing of a reply to the answer
5 shall be extended to May 15, 2017, after which date the Court shall take the petition under submission.

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7 IT IS SO ORDERED.

8 Dated: March 31, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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