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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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9 JEFFERY CURTIS AULT,

10 Petitioner,

11 v.

12 M. E. SPEARMAN,

13 Respondent.
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1:17 -cv-00334-MJS (HC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

(Document # 2)

15
16 Petitioner has requested the appointment of counsel. There currently exists
17 no absolute right to appointment of counsel in habeas proceedings. See, e.g.,
18 Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958); Mitchell v. Wyrick, 727 F.2d
19 773, 774 (8th Cir. 1984). However, Title 18 U.S.C. § 3006A(a)(2)(B) authorizes the
20 appointment of counsel at any stage of the case if "the interests of justice so
21 require." See Rule 8(c), Rules Governing Section 2254 Cases. In the present case,
22 the Court does not find that the interests of justice require the appointment of
23 counsel at the present time. Accordingly, IT IS HEREBY ORDERED that
24 Petitioner's request for appointment of counsel is DENIED without prejudice.

25 IT IS SO ORDERED.

26 Dated: March 17, 2017

27 /s/ Michael J. Seng
28 UNITED STATES MAGISTRATE JUDGE

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