

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LENY PETERSEN GALAFATE,
Petitioner,
v.
DARRYL ADAMS,
Respondent.

1:17 -cv-00708-MJS (HC)

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(ECF No. 2)

Petitioner has requested the appointment of counsel. 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. The Court finds that the interests of justice do not require the appointment of counsel in this case at the present time.

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

IT IS SO ORDERED.

Dated: December 26, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE