

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA
3

4 LARRY BANKS,

5 Petitioner,

6 v.

7 DAVID DAVEY, Warden

8 Respondent.

CASE NO. 1:17-cv-00802-SKO HC

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF COUNSEL

(Doc. 1)

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11 Petitioner Larry Banks, proceeding *pro se* with a petition for writ of habeas corpus pursuant to
12 28 U.S.C. § 2254, moves for appointment of counsel.

13 In federal habeas proceedings, no absolute right to appointment of counsel currently exists. *See,*
14 *e.g., Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir. 1958); *Mitchell v. Wyrick*, 727 F.2d 773, 774 (8th
15 Cir. 1984). Nonetheless, a court may appoint counsel at any stage of the case "if the interests of justice
16 so require." 18 U.S.C. § 3006A(a)(2)(B); Rule 8(c), Rules Governing Section 2254 Cases. Petitioner
17 contends that the Court should appoint counsel based on Petitioner's indigence and lack of knowledge of
18 the law. Because nearly all prisoners share these characteristics, Petitioner, who has competently
19 submitted a petition, alleges no basis by which the Court may appoint counsel on his behalf.

20 Petitioner's motion for appointment of counsel is hereby DENIED.

21 IT IS SO ORDERED.

22
23 Dated: June 19, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE