

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THURMAN LEROY SPENCER,

Petitioner,

No. 2: 05-cv-2456 GEB KJN P

vs.

ROY CASTRO,

Respondent.

ORDER

\_\_\_\_\_/

On August 9, 2010, the undersigned recommended that petitioner’s application for a petition for writ of habeas corpus be denied. On August 23, 2010, petitioner filed a motion for appointment of counsel and a request for extension of time to file objections.

There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Petitioner requests an extension of time to file objections on grounds that he did not receive the August 9, 2010 findings and recommendations until August 17, 2010. Good

1 cause appearing, petitioner's request is granted.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Petitioner's August 23, 2010 motion for appointment of counsel (Dkt. No. 100)  
4 is denied;

5 2. Petitioner's objections to the August 9, 2010 findings and recommendations  
6 are due within twenty-eight days of the date of this order.

7 DATED: August 25, 2010

8  
9  
10   
11 KENDALL J. NEWMAN  
12 UNITED STATES MAGISTRATE JUDGE

13 spen2456.110  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26