IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN S. BURKE,

Petitioner, No. CIV S-06-0569 GEB KJM P

vs.

BEN CURRY, et al.,

Respondents. ORDER

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Petitioner has requested the appointment of counsel. 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 has also requested an extension of time to file objections to the September 10, 2009, findings and recommendations. Good cause appearing this request will be granted.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's request for appointment of counsel (Docket No. 16) is denied;

2. Petitioner's request for an extension of time (Docket No. 17) is granted; and

3. Petitioner is granted thirty days from the date of this order in which to file objections to the court's September 10, 2009 findings and recommendations.

DATED: September 30, 2009.

U.S. MAGISTRATE JUDGE

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