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

JOSE LUIS LOPEZ MOCTEZUMA, No. CIV S-06-0627-FCD-CMK-P

Petitioner,

vs.

ORDER

JAMES A. YATES,

Respondent.

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Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s application for leave to proceed in forma pauperis (Docs. 2 & 6). Petitioner has not, however, submitted a “. . . certification from the warden or other appropriate officer of the place of confinement showing the amount of money or securities that the petitioner has in any account in the institution” as required by Rule 3(a)(2) of the Federal Rules Governing Section 2254 Cases. Petitioner will be provided the opportunity to submit the required certification or the appropriate filing fee. Petitioner is warned that failure to comply with this order may result in the dismissal of this action. See Local Rule 11-110.


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

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Petitioner shall submit within 30 days of the date of this order, a
9 certification as required by Rule 3(a)(2), or the appropriate filing fee; and
- 10 2. Petitioner’s request for appointment of counsel is denied without
11 prejudice.

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13 DATED: April 5, 2006.

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16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE
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