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

ALBERT CRUZ,

No. CIV S-06-2463-MCE-CMK-P

Petitioner,

vs.

ORDER

SUPERIOR COURT, et al.,

Respondents.

_____ /

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 are petitioner’s request for leave to proceed in forma pauperis (Doc. 2) and petitioner’s motion for appointment of counsel (Doc. 3). Petitioner’s petition will be addressed separately.

Petitioner has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that petitioner is unable to prepay fees and costs or give security therefor.


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

1 § 2254 Cases. In the present case, the court does not find that the interests of justice would be
2 served by the appointment of counsel at the present time.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Petitioner's motion for leave to proceed in forma pauperis is granted; and
5 2. Petitioner's motion for appointment of counsel is denied.

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7 DATED: November 13, 2006.

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10 **CRAIG M. KELLISON**
11 UNITED STATES MAGISTRATE JUDGE
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