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

9 ARTIES JOHNSON, Jr.,

10 Petitioner,

No. CIV S-07-0320 MCE KJM P

11 vs.

12 MIKE KNOWLES, et al.,

13 Respondents.

ORDER

14 _____/
15 Petitioner has requested the appointment of counsel. There currently exists no
16 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d
17 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at
18 any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing
19 § 2254 Cases. In the present case, the court does not find that the interests of justice would be
20 served by the appointment of counsel at the present time.

21 Petitioner has also filed a motion to expand the record. The court will direct
22 respondent to address this request.

23 Accordingly, IT IS HEREBY ORDERED that:

24 1. Petitioner’s January 22, 2008 motion for appointment of counsel (docket nos.
25 24 & 25) is denied without prejudice to a renewal of the motion at a later stage of the
26 proceedings.

1 2. Within thirty days of the date of this order, respondent shall file a response to
2 petitioner's January 9, 2008 request to expand the record. Petitioner's reply, if any, shall be
3 filed within twenty days of the filing of the response.

4 DATED: February 1, 2008.

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7 U.S. MAGISTRATE JUDGE

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