

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**

ALLEN D. QUEEN,

No. CIV S-070862-GEB-CMK-P

Petitioner,

vs.

ORDER

DARREL ADAMS, 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 is petitioner’s request for an extension of time to file objections to the findings and recommendations filed January 14, 2008. Petitioner is also requesting the appointment of counsel.

The findings and recommendations provided for objections to be filed within 20 days of the date of service thereof. Petitioner now seeks an extension of that deadline. Good cause appearing therefor, the request will be granted. Petitioner is reminded that failure to file objections within the specified time may waive the right to appeal any order adopting the findings and recommendations. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

///

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

Petitioner has also 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.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s motion for appointment of counsel is denied;
2. Petitioner’s motion for an extension of time is granted; and
3. Within 20 days after being served with this order, any party may file written objections with the court, such document to be captioned “Objections to Magistrate Judge's Findings and Recommendations.”

DATED: February 1, 2008

  
 \_\_\_\_\_  
**CRAIG M. KELLISON**  
 UNITED STATES MAGISTRATE JUDGE