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

10 FREE ODELL SMITH,

11 Petitioner,

No. CIV S-07-1462 GEB EFB P

12 vs.

13 DERRAL ADAMS, Warden,

14 Respondent.

ORDER

15 \_\_\_\_\_/  
16 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28  
17 U.S.C. § 2254. He has requested that the court appoint counsel. There currently exists no  
18 absolute right to appointment of counsel in habeas proceedings. *See Nevius v. Sumner*, 105 F.3d  
19 453, 460 (9th Cir. 1996). The court may appointment counsel at any stage of the proceedings “if  
20 the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing  
21 Section 2254 Cases. The court does not find that the interests of justice would be served by the  
22 appointment of counsel at this stage of the proceedings.

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1           Accordingly, it hereby is ORDERED that petitioner's September 11, 2008, request for  
2 appointment of counsel is denied without prejudice.

3 DATED: January 26, 2009.

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5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE  
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