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

JOHN OSCAR PHILLIPS,

Petitioner,

No. CIV S-07-2110 JAM DAD P

vs.

ROBERT AYERS, JR., et al.,

Respondents.

ORDER

_____/

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 § 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.

In addition, Petitioner has filed his second request for an extension of time to file and serve a traverse pursuant to the court's order of March 11, 2010. Good cause appearing, the request will be granted. No further extensions of time will be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s June 11, 2010 motion for appointment of counsel (Doc. No. 34) is denied without prejudice to a renewal of the motion at a later stage of the proceedings;

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2. Petitioner's June 11, 2010 motion for an extension of time (Doc. No. 35) is granted; and

3. Petitioner is granted thirty days from the date of this order in which to file and serve a traverse. No further extensions of time will be granted.

DATED: June 22, 2010.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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