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

10 TOSSIE BENNETT,
11
12 Petitioner,

Case No. CIV S-07-2367 VAP
(HC)

13 v.

**[Motion filed on January 6,
2009]**

14 D.K. SISTO, LINDA
15 SHELTON, JAMES NIELSEN,
16 MILTON SIMS, MICHAEL
17 BROWN, KENNETH GRIFFIN,
18 ESHA MAE BROWN, and
19 BOARD OF PAROLE
20 HEARINGS,

**ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL**

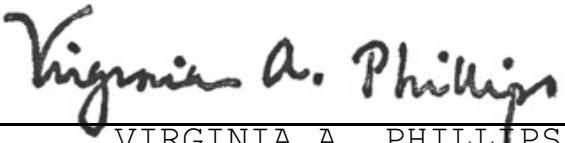
21 Respondents.
22 _____ /

23 Petitioner is a state prisoner proceeding pro se in a
24 habeas corpus action pursuant to 28 U.S.C. § 2254. The
25 petition was filed on November 5, 2007. On January 5,
26 2009, the action was transferred to this Court pursuant
27 to an Order of Designation of Judge to Serve in Another
28 District Within the Ninth Circuit.

On January 6, 2009, Petitioner filed a motion seeking
the appointment of counsel. There is no right to
appointment of counsel in habeas proceedings. See Nevius

1 v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). The Court
2 may appointment counsel at any stage of the proceedings
3 "if the interests of justice so require." See 18 U.S.C.
4 § 3006A; see also Rule 8(c), Rules Governing Section 2254
5 Cases. The Court does not find that the interests of
6 justice would be served by the appointment of counsel at
7 this stage of the proceedings. Therefore, IT IS SO
8 ORDERED that Petitioner's motion for the appointment of
9 counsel is DENIED.

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11 Dated: March 30, 2010



VIRGINIA A. PHILLIPS
United States District Judge