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

8 JOSEPH DANNY PROPHET,

9 Petitioner,

No. CIV S-07-2391 FCD EFB P

10 vs.

11 KEN CLARK, Warden,

12 Respondent.

ORDER

13 _____/
14 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28
15 U.S.C. § 2254. He has requested that the court appoint counsel.¹ 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). The court may appointment counsel at any stage of the proceedings “if
18 the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing
19 Section 2254 Cases. The court does not find that the interests of justice would be served by the
20 appointment of counsel at this stage of the proceedings. Accordingly, it hereby is ORDERED
21 that petitioner’s April 9, 2009 request is denied without prejudice.

22 DATED: April 16, 2009.

23 
24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE

26 _____
¹ Although plaintiff styles his request as one for an injunction and temporary restraining order, as well as a request for counsel, plaintiff’s sole request is for the appointment of counsel.