

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

JOSEPH DANNY PROPHET,

Petitioner,

No. CIV S-07-2391 FCD EFB F

VS.

KEN CLARK, Warden,

## Respondent.

## ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28  
§ 2254. He has requested that the court appoint counsel.<sup>1</sup> There currently exists no  
right to appointment of counsel in habeas proceedings. *See Nevius v. Sumner*, 105 F.3d  
60 (9th Cir. 1996). The court may appointment counsel at any stage of the proceedings “if  
interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing  
2254 Cases. The court does not find that the interests of justice would be served by the  
appointment of counsel at this stage of the proceedings. Accordingly, it hereby is ORDERED  
Petitioner’s April 9, 2009 request is denied without prejudice.

DATED: April 16, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> 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.