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

JOSEPH DANNY PROPHET,

Petitioner,

No. CIV S-07-2391 FCD EFB P

vs.

KEN CLARK,

Respondent.

ORDER

_____ /
Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. He has requested that the court appoint 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). The court may appointment counsel at any stage of the proceedings “if the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing Section 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 that petitioner’s July 6, 2009 request for appointment of counsel is denied without prejudice. This matter is submitted for decision and, in due course, the court will issue findings and recommendations.

DATED: July 16, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE