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

GUSTAVO SILVA RAMIREZ,

Petitioner,

No. 2:08-cv-1055 GEB JFM (HC)

vs.

M.C. KRAMER, Warden,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 14, 2008, respondent filed a motion to dismiss this action as barred by the statute of limitations. Petitioner was granted an extension of time in which to file an opposition, which he filed on September 9, 2008. On December 11, 2008, findings and recommendations were issued recommending that this action be dismissed as barred by the statute of limitations. On January 5, 2009, petitioner filed a document entitled “Petitioner’s Objections to Magistrate [sic] Findings and Recommendations,” but seeks appointment of counsel or an extension of time to “find a legal advisor” in light of his recent transfer to a prison out of state.

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.

1 § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice
2 so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does
3 not find that the interests of justice would be served by the appointment of counsel at the present
4 time.

5 Good cause appearing, petitioner will be granted thirty days from the date of his
6 request for extension in which to file objections to the findings and recommendations. Petitioner
7 is cautioned, however, that no further extensions of time will be granted.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Petitioner’s January 5, 2009 request for appointment of counsel (#23) is
10 denied.

11 2. Petitioner's January 5, 2009 request for an extension of time (#23) is granted.

12 3. Petitioner is granted until February 5, 2009, in which to file objections to the
13 findings and recommendations. No further extensions of time will be granted.

14 DATED: January 13, 2009.

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17 UNITED STATES MAGISTRATE JUDGE

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