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

E'DRICK BROWN,

Petitioner,

No. CIV S-08-1401 FCD DAD P

vs.

ROBERT A. HOREL, et al.,

Respondents.

ORDER

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Petitioner has requested the appointment of 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). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Also, petitioner has filed a request for an extension of time to file a traverse. Good cause appearing, the request will be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s April 6, 2009, request for appointment of counsel (Doc. No. 23) is denied without prejudice;

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2. Petitioner's April 6, 2009 request for an extension of time (Doc. No. 24) is granted; and

3. Petitioner is granted ninety days from the date of this order in which to file and serve a traverse.

DATED: April 20, 2009.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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