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

CRAIG L. BOWENS,

Petitioner,

No. 2:08-cv-1489 LKK KJN P

vs.

DENNIS K. SISTO, Warden,

Respondent.

ORDER

_____ /

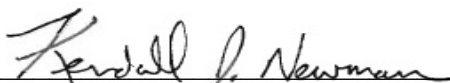
Petitioner is a state prisoner proceeding without counsel in this habeas corpus action filed June 27, 2008, pursuant to 28 U.S.C. § 2254. Petitioner filed his traverse on November 5, 2010, and the case is fully briefed. Petitioner now moves for appointment of counsel on the ground that he is without financial resources (plaintiff paid the \$5.00 filing fee to initiate this action) and because he is challenging the validity of a state court judgment, citing California law. (Dkt. No. 27.)

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. “Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a

1 particular case indicate that appointed counsel is necessary to prevent due process violations.”
2 Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986) (citations omitted). In the present case,
3 the court finds that neither the interests of justice nor independent due process considerations
4 require the appointment of counsel at the present time.

5 Accordingly, IT IS HEREBY ORDERED that petitioner’s November 5, 2010
6 motion for appointment of counsel (Dkt. No. 27) is denied without prejudice.

7 DATED: November 9, 2010

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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