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

RUFUS HARTY KELSAW, IV,

Petitioner,

No. CIV S-08-1612 MCE CHS P

vs.

BOB HOREL,

Respondent.

ORDER

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Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus. By motion filed on November 1, 2010, petitioner again requests the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas corpus proceedings. *See Nevius v. Sumner*, 105 F.3d 453, 460 (9th Cir. 1996). Rather, the appointment of counsel at any stage of the case is warranted “if the interests of justice so require.” 18 U.S.C. §3006A(a)(2)(b); *see also* Rule 8(c), Fed. R. Governing §2254 Cases. In this case, findings and recommendations have been entered which are awaiting review by the District Judge. It does not appear that the interests of justice would be served by the appointment of counsel at this time. Petitioner’s November 1, 2010 motion for appointment of counsel is hereby DENIED.

IT IS SO ORDERED.

Dated: November 18, 2010

  
CHARLENE H. SORRENTINO  
UNITED STATES MAGISTRATE JUDGE