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

MANUEL PINA,

Petitioner,

No. CIV S-08-2362 JAM DAD P

vs.

DERRELL G. ADAMS,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner has requested an extension of time to file an opposition to respondent’s November 20, 2008 motion to dismiss. Good cause appearing, petitioner’s request will be granted.

Petitioner has also requested legal assistance in writing his opposition to respondent’s motion to dismiss. The court has construed petitioner’s request as a request for appointment of counsel. Petitioner is advised that 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.

1 Finally, petitioner has requested a copy of his petition for a writ of habeas corpus  
2 because copies of his legal documents were lost during his prison transfer. Petitioner is advised  
3 that the court does not typically provide parties with copies of court documents. However, good  
4 cause appearing, the court will provide petitioner with a copy of his petition for a writ of habeas  
5 corpus in this instance only.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Petitioner's January 28, 2009 request for an extension of time (Doc. No. 16) is  
8 granted;

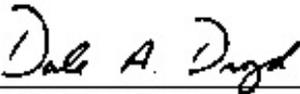
9 2. Petitioner is granted thirty days from the date of this order in which to file an  
10 opposition to respondent's November 20, 2008 motion to dismiss;

11 3. Petitioner's January 28, 2009 request for appointment of counsel (Doc. No. 16)  
12 is denied;

13 4. Petitioner's January 28, 2009 request for a copy of his petition for a writ of  
14 habeas corpus (Doc. No. 16) is granted; and

15 5. The Clerk of the Court is directed to send petitioner a copy of his petition for a  
16 writ of habeas corpus (Doc. No. 1).

17 DATED: February 3, 2009.

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21 DALE A. DROZD  
22 UNITED STATES MAGISTRATE JUDGE

21 DAD:9:md  
22 pina2362.111