IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY J. BELL, No. CIV S-08-2400-CMK-P

Petitioner,

vs. ORDER

STEVE MOORE,

Respondents.

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Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's request for appointment of counsel (Doc. 3).

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.

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Accordingly, IT IS HEREBY ORDERED that petitioner's motion for appointment of counsel (Doc. 3) is denied without prejudice to renewal, at the earliest, after an answer to the petitioner has been filed.

DATED: February 5, 2009

CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE