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

STEVEN ANTHONY CLEMENS,

Petitioner,

No. CIV S-08-2588 EFB P

vs.

D.K. SISTO, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. He has requested that the court appoint 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). The court may appointment counsel at any stage of the proceedings “if the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing Section 2254 Cases. The court does not find that the interests of justice would be served by the appointment of counsel at this stage of the proceedings.

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1 On January 27, 2010, petitioner also filed a motion to proceed *in forma pauperis*,  
2 apparently in support of his motion for appointment of counsel.<sup>1</sup> That motion is denied as  
3 unnecessary.

4 Accordingly, it hereby is ORDERED that:

5 1. Petitioner's January 27, 2010 motions for appointment of counsel is denied without  
6 prejudice; and

7 2. Petitioner's January 27, 2010 motion to proceed *in forma pauperis* is denied.

8 DATED: February 3, 2010.

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11 EDMUND F. BRENNAN  
12 UNITED STATES MAGISTRATE JUDGE  
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26 <sup>1</sup> Petitioner paid the filing fee in this action on July 15, 2008.