

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

YONG LOR,

Petitioner, No. CIV S-08-2985 DAD P

VS.

TOM FELKER, Warden,

Respondent. **ORDER**

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus. Petitioner's fellow inmate, Mr. Kor, has filed a letter on his behalf explaining that he is assisting petitioner with this case but believes he will be transferred to a different prison in the future. Mr. Kor emphasizes that petitioner does not have an adequate understanding of the language, which in his view should enhance petitioner's eligibility for appointment of counsel.

The court has construed Mr. Kor's letter as a request for appointment of counsel.

22 There currently exists no absolute right to appointment of counsel in habeas proceedings. See
23 Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes
24 the appointment of counsel at any stage of the case “if the interests of justice so require.” See
25 Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the
26 interests of justice would be served by the appointment of counsel at the present time.

Accordingly, IT IS HEREBY ORDERED that petitioner's January 7, 2009 request for appointment of counsel (Doc. No. 7) is denied.

DATED: January 12, 2009.

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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