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

9 YONG LOR,

10 Petitioner,

No. CIV S-08-2985 DAD P

11 vs.

12 TOM FELKER, Warden,

13 Respondent.

ORDER

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

21 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.

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

3   DATED: January 12, 2009.

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7                   DALE A. DROZD  
8                   UNITED STATES MAGISTRATE JUDGE

7   DAD:9:mp  
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