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

DONALD RAY,

Petitioner,

No. CIV S-09-0644 MCE DAD P

vs.

D.K. SISTO, Warden,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se with a petition for a writ of habeas corpus, has filed a motion for appointment of 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). 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. Accordingly, the court will deny petitioner’s motion.

Petitioner has also a motion for leave to file a traverse with more than 25 pages, together with a proposed traverse. Petitioner is advised that no rule requires that a traverse be limited to 25 pages in length. Accordingly, the court will deny petitioner’s motion as unnecessary and file petitioner’s traverse.

1 This matter, having been fully briefed by the parties, is now submitted for
2 decision. In due course, the court will issue its findings and recommendations on the merits of
3 the petition. Petitioner is advised that he is not required to submit anything further in pursuit of
4 habeas relief.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Petitioner’s June 29, 2009 motion for appointment of counsel (Doc. No. 14) is
7 denied;

8 2. Petitioner’s June 29, 2009 motion for leave to file a traverse with more than 25
9 pages (Doc. No. 15) is denied as unnecessary; and

10 3. This matter is submitted for decision.

11 DATED: July 14, 2009.

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14 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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