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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY R. XAVIER,
Petitioner,
v.
M. FRENCH, et al.,
Respondents.

No. 2:09-cv-0783 KJM CKD P

ORDER

Petitioner has requested the 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.

Plaintiff has also filed a reply to defendants’ answer. (ECF No. 97.) Such a filing is not contemplated by the federal or local rules and will be disregarded.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's request for appointment of counsel (ECF No. 98) is denied; and
2. Petitioner's motion for extension of time to file a reply (ECF No. 95) is denied as moot.

Dated: February 3, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

2/mp; xavi0783.110