

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

WILLIAM GOOD,

Petitioner, No. 2:09-cv-0919 JFM (HC)

VS.

JOHN W. HAVILAND, Warden,

Respondent. ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file an answer.

Petitioner has also 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

1 counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Fed. R.
2 Governing § 2254 Cases. In the present case, the court does not find that the interests of justice
3 would be served by the appointment of counsel at the present time.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. Petitioner's request to proceed in forma pauperis is granted;
6 2. Respondents are directed to file an answer within forty-five days from the date
7 of this order. See Rule 4, Rules Governing Section 2254 Cases. Respondents shall include with
8 the answer any and all transcripts or other documents relevant to the determination of the issues
9 presented in the application. Rule 5, Rules Governing Section 2254 Cases;
10 3. Petitioner's traverse, if any, is due on or before thirty days from the date
11 respondents' answer is filed;

12 4. The Clerk of the Court shall serve a copy of this order together with a copy of
13 petitioner's application for writ of habeas corpus and an Order Re Consent or Request for
14 Reassignment on Michael Patrick Farrell, Senior Assistant Attorney General.

15 5. Petitioner's April 3, 2009 request for appointment of counsel is denied without
16 prejudice to a renewal of the motion at a later stage of the proceedings.

17 DATED: April 14, 2009.

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21 UNITED STATES MAGISTRATE JUDGE

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