IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PABLO CHINA VALLE,

Petitioner, No. CIV S-09-1467 FCD GGH P

vs.

M.S. EVANS,

Respondent. ORDER

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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 at the present time.

On June 19, 2009, petitioner filed an application to proceed in forma pauperis. Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's June 23, 2009 request for appointment of counsel (no. 11) is denied without prejudice to a renewal of the motion at a later stage of the proceedings;

2. Petitioner's June 19, 2009, motion to proceed in forma pauperis (no. 10) is granted.

DATED: July 20, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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