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

KELVIN LANCE WILLIAMS,

Petitioner,

No. 2:09-cv-1612 KJN P

vs.

S.M. SALINAS, Warden, et al.,

Respondents.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with 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).

Because petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner's habeas petition.

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1 Petitioner has also requested the appointment of counsel. There currently exists
2 no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105
3 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of
4 counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R.
5 Governing § 2254 Cases. In the present case, the court does not find that the interests of justice
6 would be served by the appointment of counsel at the present time.

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

8 1. Petitioner’s application to proceed in forma pauperis is granted.

9 2. Respondents are directed to file a response to petitioner’s habeas petition
10 within sixty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An
11 answer shall be accompanied by all transcripts and other documents relevant to the issues
12 presented in the petition. See Rule 5, Fed. R. Governing § 2254 Cases.

13 3. If the response to the habeas petition is an answer, petitioner’s reply, if any,
14 shall be filed and served within twenty-eight days after service of the answer.

15 4. If the response to the habeas petition is a motion, petitioner’s opposition or
16 statement of non-opposition to the motion shall be filed and served within twenty-eight days after
17 service of the motion, and respondents’ reply, if any, shall be filed and served within fourteen
18 days thereafter.

19 5. The Clerk of the Court shall serve a copy of this order, the consent/
20 reassignment form contemplated by Appendix A(k) to the Local Rules of this court, and a copy
21 of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell,
22 Senior Assistant Attorney General.

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