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

RAYMOND D. JACKSON, SR.,

Petitioner,

No. 2:09-cv-1748 FCD KJN P

vs.

K. DICKERSON,

Respondent.

ORDER

_____ /

Petitioner has filed a second request for 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.


Petitioner contends that his medical problems render him unable to adequately represent himself. Medical records attached to petitioner’s motion indicate that on March 25, 2010, petitioner had surgery to remove squamous cell carcinoma of the nasal cavity. The medical records indicate that petitioner has serious medical problems. However, appointment of counsel is not warranted at the present time.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Petitioner's October 28, 2010 motion for appointment of counsel (Dkt. No. 20)
3 is denied without prejudice;

4 2. Petitioner's opposition to respondent's motion to dismiss filed October 14,
5 2010 is due within twenty-eight days of the date of this order.

6 DATED: November 2, 2010

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10 KENDALL J. NEWMAN
 UNITED STATES MAGISTRATE JUDGE

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