

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

RICHARD LEON LOUGHMILLER, No. CIV S-09-2094-CMK-P

Petitioner,

vs.

ORDER

KATHLINE DICKINSON,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s request for leave to proceed in forma pauperis (Doc. 2). Petitioner’s petition will be addressed separately.

Petitioner has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that petitioner is unable to prepay fees and costs or give security therefor. His request will be granted.

Petitioner also seeks the appointment of counsel (Doc. 3). 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.

1 Governing § 2254 Cases. In the present case, the court does not find that the interests of justice
2 would be served by the appointment of counsel at the present time.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Petitioner's motion for leave to proceed in forma pauperis (Doc. 2) is
5 granted; and

6 2. Petitioner's motion for appointment of counsel (Doc. 3) is denied without
7 prejudice to renewal, at the earliest, after an answer to the petitioner has been filed.

8
9 DATED: August 5, 2009

10 
11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26