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

ALVIN SPADE,

No. CIV S-09-2124-CMK-P

Petitioner,

vs.

ORDER

JOHN W. HAVILAND,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks the appointment of counsel (Docs. 12, 16, 18).

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.

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1 Accordingly, IT IS HEREBY ORDERED that petitioner's motions for
2 appointment of counsel (Docs. 12, 16, 18) are denied without prejudice to renewal, at the earliest,
3 after an answer to the petitioner has been filed.

4
5 DATED: January 20, 2010

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7 _____
8 **CRAIG M. KELLISON**
9 UNITED STATES MAGISTRATE JUDGE