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

JOHN ALAN PARVIN,

Petitioner,

No. 2:09-cv-2198 JFM (HC)

vs.

MATTHEW CATE,

Respondent.

ORDER

_____ /

Petitioner has filed a second motion for the appointment of counsel.¹ 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. As with petitioner’s first motion, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Accordingly, IT IS HEREBY ORDERED that petitioner’s December 21, 2009 motion for appointment of counsel is denied without prejudice.

DATED: January 6, 2010.


UNITED STATES MAGISTRATE JUDGE

12/md; parv2198.110(2)

¹ Petitioner’s first motion was filed on August 31, 2009 and denied by order filed September 9, 2009.