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

9 MICHAEL ROTHWELL,

10 Petitioner,

No. CIV-S-09-2917 GEB KJM P

11 vs.

12 M. MARTELL,

13 Respondent.

ORDER

14 _____/
15 Petitioner has requested the appointment of counsel. There currently exists no
16 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d
17 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at
18 any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing
19 § 2254 Cases. In the present case, the court does not find that the interests of justice would be
20 served by the appointment of counsel at the present time.

21 Accordingly, IT IS HEREBY ORDERED that petitioner’s motion for
22 appointment of counsel (Docket No. 12) is denied without prejudice to a renewal of the motion
23 at a later stage of the proceedings.

24 DATED: June 10, 2010.

25 1/mp; roth2917.110
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U.S. MAGISTRATE JUDGE