IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MACK A. WEST, JR.,

Petitioner, No. CIV S-09-3147 KJM DAD P

vs.

KATHLEEN DICKINSON, Warden,

Respondent. ORDER

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Petitioner has requested the appointment of counsel. As the court previously advised petitioner, 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 has also requested an extension of time to file and serve his traverse. Good cause appearing, the court will grant petitioner's request.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motion for appointment of counsel (Doc. No. 77) is denied;

2. Petitioner's motion for extension of time (Doc. No. 78) is granted; and

3. Petitioner shall file and serve a traverse within thirty days of the date of service of this order.

DATED: February 1, 2012.

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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