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

MARC SARDELLA-LAGOMARSINO,

Petitioner,

No. 2:09-cv-3498 GEB KJN P

vs.

GARY SWARTHOUT, Warden,

Respondent.

ORDER

_____ /

On April 29, 2011, plaintiff filed a motion for appointment of counsel. This action was closed by this court on March 31, 2011, when petitioner’s application for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, was denied, and judgment was entered accordingly. Petitioner is now pursuing an appeal before the Ninth Circuit United States Court of Appeals, but has directed the instant motion to this court.

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). While 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, the court does not find that the interests of justice would be served by the appointment of counsel in this case at this time. Not only has this court rendered a final decision adverse to petitioner, but the court declined to issue

1 the certificate of appealability referenced in 28 U.S.C. § 2253.

2 Accordingly, IT IS HEREBY ORDERED that petitioner's April 29, 2011 request
3 for appointment of counsel is denied. Petitioner is advised that the court will disregard, and issue
4 no response to, any future filings in this closed case.

5 SO ORDERED.

6 DATED: May 3, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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