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

ROBERT BENYAMINI,

Petitioner,

No. CIV S-10-0104 GEB KJM P

vs.

JAMES WALKER,

Respondent.

ORDER AND

FINDINGS AND RECOMMENDATIONS

_____/

Petitioner has requested an extension of time to file and serve objections to the November 5, 2010 findings and recommendations.

Plaintiff has also asked to court to order the law librarian to grant him additional time in the law library, to direct prison authorities to provide him with a word processor and administer a polygraph test, apparently in connection with a disciplinary action. He also asks for the appointment of counsel.

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

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1 not find that the interests of justice would be served by the appointment of counsel at the present
2 time.

3 To the extent petitioner seeks a polygraph examination, access to the law library
4 and the provision of a word processor, he seeks injunctive relief from people who are not parties
5 to this habeas action. This court is unable to issue an order against individuals who are not
6 parties to a suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S.
7 100, 112 (1969).

8 IT IS HEREBY ORDERED that:

9 1. To the extent petitioner's motion docketed as number 20 seeks an extension of
10 time, it is granted;

11 2. Petitioner shall file objections to the findings and recommendations within
12 thirty days from the date of this order;

13 3. Petitioner's request for the appointment of counsel is denied.

14 IT IS HEREBY RECOMMENDED that petitioner's requests for a law library
15 access, a word processor and a polygraph examination be denied.

16 These findings and recommendations are submitted to the United States District
17 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
18 one days after being served with these findings and recommendations, plaintiff may file written
19 objections with the court. The document should be captioned "Objections to Magistrate Judge's
20 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
21 specified time may waive the right to appeal the District Court's order. Martinez v. Y1st,
22 951 F.2d 1153 (9th Cir. 1991).

23 DATED: December 9, 2010.

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25 
26 U.S. MAGISTRATE JUDGE