

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

GARY DON BALDWIN,

Petitioner,

No. CIV S-10-0489 EFB P

VS.

KEN CLARK,

Respondent.

ORDER

Petitioner, a prisoner without counsel, has filed a petition for a writ of habeas corpus.

See 28 U.S.C. § 2254. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to petitioner's consent. *See* E.D. Cal. Local Rules, Appx. A, at (k)(4).

Petitioner has submitted the affidavit required by 28 U.S.C. § 1915(a)(1) in support of his application to proceed in forma pauperis. However, petitioner failed to provide responses to all of the questions asked therein. In order to proceed with this action, petitioner must submit a *completed* affidavit as required by 28 U.S.C. § 1915(a)(1).

Petitioner has requested that the court appoint 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). The court may appointment counsel at any stage of the proceedings “if

1 the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing
2 Section 2254 Cases. The court does not find that the interests of justice would be served by the
3 appointment of counsel at this stage of the proceedings.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Within 30 days of the date this order is served, petitioner must submit a *completed*
6 affidavit in support of his application to proceed in forma pauperis. Failure to comply with this
7 order will result in dismissal.

8 2. The Clerk of the Court is directed to mail to petitioner a form application for leave to
9 proceed in forma pauperis.

10 3. Petitioner’s February 26, 2010 and March 10, 2010 requests for appointment of
11 counsel are denied without prejudice.

12 DATED: April 22, 2010.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE

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