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

AARON AUGUSTINE HEREDIA,

No. CIV S-10-0693-GEB-CMK-P

Petitioner,

vs.

ORDER

MICHAEL MARTEL,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court are petitioner's: (1) motion for an extension of time to file a traverse (Doc. 25); and (2) motion for appointment of counsel (Doc. 26).

Petitioner seeks a 45-day extension of time to file a traverse. Good cause appearing therefor, the request is granted. Petitioner may file a traverse within 45 days of the date of this order.

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1 Petitioner also seeks the appointment of counsel. There currently exists no
2 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d
3 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at
4 any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing
5 § 2254 Cases. In the present case, the court does not find that the interests of justice would be
6 served by the appointment of counsel. Further requests for the appointment of counsel will not
7 be considered.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Petitioner’s motion for an extension of time (Doc. 25) to file a traverse is
10 granted;
- 11 2. Petitioner’s traverse is due within 45 days of the date of this order; and
- 12 3. Petitioner’s motion for appointment of counsel (Doc. 26) is denied.

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14 DATED: May 12, 2011

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16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE
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