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

DONALD DAVIS,

Petitioner,

No. CIV S-10-1029 KJM DAD P

vs.

JAMES HAVILAND,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner has requested 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 not find that the interests of justice would be served by the appointment of counsel at the present time.

Also, petitioner has filed a request for an extension of time to file an amended petition pursuant to the February 4, 2011, order. Good cause appearing, the request will be granted. However, no further extensions of time will be granted for this purpose.

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1                   Accordingly, IT IS HEREBY ORDERED that:

2                   1. Petitioner's March 7, 2011, request for appointment of counsel (Doc. No. 22)  
3 is denied without prejudice;

4                   2. Petitioner's March 7, 2011, request for an extension of time (Doc. No. 22) is  
5 granted; and

6                   3. Petitioner is granted up to and including May 17, 2011, in which to file an  
7 amended petition as set forth in the court's February 4, 2011 order. No further extensions of time  
8 will be granted.

9 DATED: March 14, 2011.

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13                   DALE A. DROZD  
14                   UNITED STATES MAGISTRATE JUDGE

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