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

BUCK BOSWELL,

Petitioner,

No. CIV S-10-1076 GEB CMK (TEMP) P

vs.

ANTHONY HEDGPETH,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner has requested an extension of time to file and serve a traverse. The court previously granted an extension through February 1, 2011. On February 1, petitioner filed his traverse. Therefore the motion for additional time is moot.

In addition, 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.

Finally, petitioner asks for leave to file a traverse in excess of the page limitation imposed by the Local Rules. Good cause appearing, the motion will be granted.

1                   Accordingly, IT IS HEREBY ORDERED that:

- 2                   1. Petitioner’s January 31, 2011 motion for appointment of counsel is denied  
3 without prejudice to a renewal of the motion at a later stage of the proceedings;  
4                   2. Petitioner's January 31, 2011 motion for an extension of time is denied as  
5 moot; and  
6                   3. Petitioner’s February 1, 2011 motion to file an oversized brief is granted.

7  
8 DATED: February 9, 2011

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10 **CRAIG M. KELLISON**  
11 UNITED STATES MAGISTRATE JUDGE

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