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

CLARK ROBINSON,

Petitioner,

No. CIV-S-10-2089 LKK CMK (TEMP) P

vs.

MATTHEW CATE,

Respondent.

ORDER

_____/

Petitioner has requested an extension of time to file a traverse. Good cause appearing, this request will be granted. 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.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s request for appointment of counsel (Docket No. 26) is denied without prejudice to a renewal of the motion at a later stage of the proceedings;

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- 2. Petitioner's request for an extension of time (Docket No. 26) is granted; and
- 3 Petitioner is granted thirty days from the date of this order in which to file and serve a traverse.

DATED: June 6, 2011



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

/kly
robi2089.111.110(2)