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

EUGENE JACOB McBRIDE,

Petitioner,

No. CIV S-10-3387 GGH P

vs.

MATHEW CATE,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, is proceeding with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed a motion for the appointment of counsel and a motion for discovery.

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.

In his motion for discovery petitioner requests the reporter’s transcripts from several pre-trial hearings to augment the record, but provides no specific reasons why they are

1 needed.. The court has already ordered respondent to provide any transcripts relevant to the
2 issues in this case with their answer. Docket No. 16. If the court requires additional transcripts,
3 they will be requested.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Petitioner's motion for appointment of counsel (Docket No. 15) is denied
6 without prejudice to a renewal of the motion at a later stage of the proceedings; and

7 2. Petitioner's motion for discovery (Docket No. 16) is denied.

8 DATED: June 14, 2011

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10 /s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
13 UNITED STATES MAGISTRATE JUDGE

14 GGH: AB
15 mabr3387.ord