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

STEVEN MICHAEL MEDLYN,

Petitioner,

No. CIV S-11-0898 DAD P

vs.

R. BARNES,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 29, 2011, petitioner filed a motion to proceed in forma pauperis and a motion for appointment of counsel. Petitioner has already been granted leave to proceed in forma pauperis. See Order filed April 21, 2011. Petitioner’s June 29, 2011 motion to proceed in forma pauperis is unnecessary and will therefore be denied.

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, petitioner’s motion for appointment of counsel will be denied.

