

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

MELVIN RICHARD PENA,

Petitioner,

vs.

MATTHEW CATE, Secretary, California
Department of Corrections and
Rehabilitation,

Respondent.

No. 2:11-cv-01003-JKS

ORDER

[Re: Motion at Docket No. 36]

At Docket No. 36, Melvin Richard Pena, a state prisoner appearing *pro se*, filed a second Motion to Appoint Counsel. This Court has previously considered and rejected Pena's request to appoint counsel.¹ As noted in the prior Order, there is no constitutional right to counsel in federal habeas proceedings, and Pena has not provided any reason for this Court to reconsider and reverse its prior determination not to appoint counsel in this case.

IT IS THEREFORE ORDERED THAT the Motion for Appointment of Counsel at Docket No. 36 is **DENIED**.

Dated: January 9, 2013.

/s/ James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
United States District Judge

¹ Docket No. 30.