

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

MELVIN RICHARD PENA,

Petitioner,

vs.

JEFFREY A. BEARD, Secretary,
California Department of Corrections and
Rehabilitation,

Respondent.

No. 2:11-cv-01003-JKS

ORDER

[Re: Motion at Docket No. 46]

This Court dismissed Richard Melvin Pena's Petition for Habeas Corpus Relief,¹ and Pena timely filed a notice of appeal to the Court of Appeals.² At Docket No. 46 Pena has moved for the appointment of counsel on appeal. The record reflects that this is the fourth request by Pena to appoint counsel. This Court denied each of Pena's three earlier requests.³ While this Court is not unmindful of the plight of unrepresented state prisoners in federal habeas proceedings, as noted in the prior Orders, 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 determinations not to appoint counsel in this case.

¹ Docket Nos. 43, 44.

² Docket No. 45.

³ Docket Nos. 30, 37, 41.

IT IS THEREFORE ORDERED THAT the Motion for Appointment of Counsel at Docket No. 46 is **DENIED** without prejudice to renewing the motion before the Court of Appeals.

Dated: September 13, 2013.

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