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

PHILLIP BLAIR JONES,

Petitioner,

No. CIV S-11-1006 JAM GGH P

vs.

KNIPP,

Respondent.

ORDER

_____ /

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. Petitioner may renew his request if this petition survives the motion to dismiss.

On June 24, 2011, respondent filed a motion to dismiss. Petitioner must file an opposition to the motion to dismiss or the undersigned will recommend that the petition be dismissed.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's June 30, 2011 request for appointment of counsel (Docket No. 15) is denied without prejudice to a renewal of the motion at a later stage of the proceedings;
2. Petitioner must file an opposition to the motion to dismiss or the undersigned will recommend that the petition be dismissed.

DATED: July 5, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

GGH:md
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