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

NICHOLAS PATRICK,

Petitioner,

No. 2:11-cv-1195 JAM KJN P

vs.

ALFONSO FILLON,

Respondent.

ORDER

_____ /

Petitioner’s petition for a writ of habeas corpus is currently submitted for decision by this court -- the matter was submitted on October 15, 2012, when petitioner filed a traverse in reply to respondent’s answer to the petition. Petitioner now requests the appointment of counsel, stating only that appointment is warranted “due to the complexity of this case.” (Dkt. No. 42 at 1.)

There is no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). While 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of a habeas action “if the interests of justice so require,” Rule 8(c), Fed. R. Governing § 2254 Cases, the court finds that the interests of justice would not be served by the appointment of counsel at the present time. Nevertheless, the court will again consider petitioner’s request, sub silentio unless otherwise noted, upon the substantive review of


1 the petition and related briefing.

2 Accordingly, IT IS HEREBY ORDERED that petitioner's January 24, 2013
3 request for appointment of counsel (Docket No. 42), is denied without prejudice.

4 DATED: January 30, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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