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

BOBBY R. GRANT, JR.,

Petitioner,

No. CIV S-11-1207 CKD P

vs.

RANDY GROUNDS,

Respondent.

ORDER

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Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus under 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Petitioner attacks a judgment of conviction rendered against him in Sacramento County Superior Court in 2008. However, several of the pages of the petition are photocopies of such poor quality that they are illegible, leaving the court unable to carry out its duty to screen the petition under 28 U.S.C. § 1915A. Therefore, the court will order plaintiff to re-submit his petition in a form that makes all of his claims and argument clearly legible. Petitioner is admonished that his failure to comply with this order may result in dismissal of his petition.

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1 Petitioner has requested the appointment of counsel. There currently exists no  
2 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d  
3 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at  
4 any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing  
5 § 2254 Cases. In the present case, the court does not find that the interests of justice would be  
6 served by the appointment of counsel at the present time.

7 Finally, petitioner seeks an evidentiary hearing. Evidentiary hearings are  
8 appropriate in habeas cases under some circumstances, but the request for such a hearing at this  
9 stage is premature. The court will consider whether to hold an evidentiary hearing after the case  
10 has been fully briefed.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Petitioner has thirty days from his receipt of this order in which to re-file his  
13 petition in a form that makes all of his claims and argument clearly legible.

14 2. The motion to proceed in forma pauperis (Docket No. 8) is granted.

15 3. Petitioner’s May 2, 2012 and May 3, 2012 requests for appointment of counsel  
16 and for an evidentiary hearing (Docket Nos. 10 and 11) are denied without prejudice to a renewal  
17 of the motion at a later stage of the proceedings.

18 Dated: May 21, 2012

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20 CAROLYN K. DELANEY  
21 UNITED STATES MAGISTRATE JUDGE  
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