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

JAMUAL BROADBENT,

Petitioner,

vs.

ORDER

M. MARTEL,

Respondent.

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court are: (1) petitioner's motion for the appointment of counsel (Doc. 14); and (2) respondent's motion to dismiss (Doc. 13).

Turning first to respondent's motion to dismiss, respondent has filed a request to withdraw the motion and to set a briefing schedule. That request will be granted.

Turning next to petitioner's motion for the appointment of counsel, on October 6 2011, the court issued an order deferring ruling on the motion until after petitioner filed a pro se response to respondent's motion to dismiss, which he did on October 24, 2011. Given that the motion to dismiss is withdrawn, the interests of justice do not require the appointment of counsel

1	to assist petitioner in responding to the issues raised in respondent's motion. <u>See</u> Rule 8(c), Fed.
2	R. Governing § 2254 Cases. Petitioner's motion for appointment of counsel will be denied
3	without prejudice to renewal, at the earliest, after an answer to the petition has been filed.
4	Accordingly, IT IS HEREBY ORDERED that:
5	1. Respondent's request to withdraw his motion to dismiss is granted;
6	2. The Clerk of the Court is directed to terminate respondent's motion to
7	dismiss (Doc. 13) as a pending motion on the court's docket;
8	3. Petitioner's motion for appointment of counsel (Doc. 14) is denied withou
9	prejudice;
10	4. Respondent shall file an answer to the petition, consistent with the
11	requirements of the court's July 27, 2011, order, within 60 days of the date of this order; and
12	5. Petitioner's traverse shall be filed within 30 days of service of
13	respondent's answer.
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15	DATED: December 2, 2011
16	Lraig M. Kellison
17	UNITED STATES MAGISTRATE JUDGE
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