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

VERNON LEE BELTON, JR.,

Petitioner,

No. 2:11-cv-3365 CKD P

vs.

MICHAEL McDONALD,

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 also requests that Connie Gipson, Warden of California State Prison - Corcoran, be substituted as the respondent in the docket of this case. As petitioner is currently incarcerated at CSP-Corcoran, the court will grant this request. See Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994) (“A petitioner for habeas corpus relief must name the state officer having custody of him or her as the respondent to the petition.”); Rule 2(a), 28 U.S.C. foll. § 2254).

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Petitioner's request for appointment of counsel (Docket No. 27) is denied
3 without prejudice to a renewal of the motion at a later stage of the proceedings;

4 2. The Clerk of Court is directed to substitute Connie Gipson as respondent in the
5 docket of this action.

6 Dated: July 11, 2012

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8 _____
9 CAROLYN K. DELANEY
10 UNITED STATES MAGISTRATE JUDGE

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