1 2 3 4 5 6 7 IN THE UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 TOMMY HENDERSON, No. CIV S-12-0043-CMK-P 12 Petitioner, 13 **ORDER** VS. MICHAEL MARTEL, 14 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of 18 habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks the appointment of counsel (Doc. 19 2). There currently exists no absolute right to appointment of counsel in habeas proceedings. 20 See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A 21 authorizes the appointment of counsel at any stage of the case "if the interests of justice so 22 require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not 23 find that the interests of justice would be served by the appointment of counsel at the present 24 time. 25 /// 26 /// 1

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Accordingly, IT IS HEREBY ORDERED that petitioner's motion for appointment of counsel (Doc. 2) is denied without prejudice to renewal, at the earliest, after a response to the petition has been filed.

DATED: January 11, 2012

CRAIG M. KELLISON

UNITED STATES MAGISTRATE JUDGE