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

JARRELL MARVEL TYES,

Petitioner,

No. 2:12-cv-0216 GEB JFM (HC)

vs.

M. D. MCDONALD,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 11, 2012, petitioner filed a motion for 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©, 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.

On the same day, petitioner filed a motion for an extension of time to file a traverse. Good cause appearing, that motion will be granted.

In accordance with the above, IT IS HEREBY ORDERED that:

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1. Petitioner's April 11, 2012 motion for appointment of counsel is denied without prejudice;
2. Petitioner's April 11, 2012 motion for an extension of time is granted; and
3. Petitioner is granted up to and including May 14, 2012, in which to file a traverse.

DATED: April 24, 2012.

  
UNITED STATES MAGISTRATE JUDGE

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