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

PAUL E. HYDE,

Petitioner,

No. 2:12-cv-0298 JAM JFM (HC)

vs.

S. M. SALINAS, Warden,

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. This action was summarily dismissed on June 29, 2012, and judgment was entered on the same day. Petitioner has appealed from the judgment entered in this action and his appeal is pending in the United States Court of Appeals for the Ninth Circuit.

On July 9, 2012, petitioner filed a motion for 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 by this court.

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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's July 9, 2012 motion for appointment of counsel is denied; and
2. The Clerk of the Court is directed to serve a copy of this order on the United States Court of Appeals for the Ninth Circuit.

DATED: August 20, 2012.


UNITED STATES MAGISTRATE JUDGE

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