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

DAVID G. LEONARD,
Petitioner,

No. 2:12-CV-2161-MCE-CMK-P

vs.

ORDER

JAMES HARTLEY,
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 petitioner’s requests for an extension of time to file a traverse and appointment of counsel.

Turning first to petitioner’s request 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©, 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. Specifically, the reasons cited by petitioner – difficulty obtaining access to the prison law library and difficulty receiving mail – do not warrant

1 appointment of counsel but, as appropriate, may establish good cause for an extension of time.

2 Turning to petitioner's request for an extension of time, the court finds that good
3 cause has been shown and will grant the request. Petitioner may file a traverse within 30 days of
4 the date of this order.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Petitioner's request for the appointment of counsel is denied;
- 7 2. Petitioner's request for an extension of time is granted; and
- 8 3. Petitioner may file a traverse within 30 days of the date of this order.

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10 DATED: May 9, 2014

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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