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

MATTHEW MULLEN,

Petitioner,

No. 2:13-cv-0165 MCE EFB P

vs.

R.E. BARNES,

Respondent.

ORDER

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Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has requested that the court appoint 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). The court may appoint counsel at any stage of the proceedings “if the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing § 2254 Cases. The court does not find that the interests of justice would be served by the appointment of counsel at this stage of the proceedings.

The undersigned acknowledges that petitioner’s request is predicated on his motion to conduct discovery. However, the undersigned has not yet had the opportunity to review the merits of that motion. Should the undersigned find that discovery is warranted, and that counsel is necessary for effective discovery, the undersigned will reconsider appointment at that time.

1           Accordingly, it hereby is ORDERED that petitioner's May 28, 2013 request for  
2 appointment of counsel is denied without prejudice.

3 Dated: June 17, 2013.

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5 EDMUND F. BRENNAN  
6 UNITED STATES MAGISTRATE JUDGE  
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