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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS HONABLE,
Petitioner,
v.
M. D. MCDONALD,
Respondent.

No. 2:13-cv-1203 JAM KJN P

ORDER

Petitioner has requested 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(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 at the present time.

On March 14, 2014, petitioner filed a three page opposition to respondent’s motion to dismiss. In his opposition, petitioner claimed that he had not received a response to his February request for extension of time to file an opposition, and therefore was not able to fully research his opposition and was forced to send off his response to avoid “going into default.” (ECF No. 27 at 3.) However, petitioner’s request for a sixty-day extension of time was granted on March 7, 2014. It appears that the order granting the extension of time may have crossed in the mail with

1 petitioner's opposition which was signed on March 11, 2014. Petitioner is advised that his
2 extension of time is still in effect; thus, he may file an amended opposition to respondent's
3 motion to dismiss on or before May 7, 2014. Respondent's reply is due seven days thereafter.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Petitioner's request for appointment of counsel (ECF No. 26) is denied without
6 prejudice; and

7 2. Petitioner may file an amended opposition on or before May 7, 2014; respondent's
8 reply is due seven days thereafter.

9 Dated: March 25, 2014

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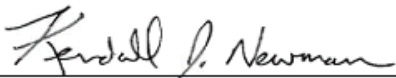
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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE