

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTOR ANTHONY ORTEGA,
Petitioner,
v.
CONNIE GIPSON,
Respondent.

No. 2:13-cv-1913 KJM KJN P

ORDER

Petitioner is a state prisoner who filed a pro se petition for writ of habeas corpus. On November 1, 2013, petitioner’s motion for stay was granted. On February 21, 2014, petitioner, through counsel, filed a motion to lift the stay. The stay was lifted, and on June 2, 2014, respondent filed an answer, and on September 2, 2014, petitioner, again through counsel, filed a reply.

On October 28, 2014, counsel for petitioner filed a motion to withdraw as attorney, to which petitioner consented. Good cause appearing, counsel’s motion is granted.

On November 3, 2014, plaintiff 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.”

///

1 See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that
2 the interests of justice would be served by the appointment of counsel at the present time.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The motion to withdraw as attorney (ECF No. 28) is granted, and petitioner proceeds
5 pro se;

6 2. The Clerk of the Court is directed to serve a copy of this order on Ms. Allen, nka Ms.
7 Hoveland, and petitioner, and to change the docket to reflect petitioner's address as follows:


8 Victor Anthony Ortega
9 #AD3617
10 Corcoran State Prison
11 P.O. Box 3481
12 Corcoran, CA 93212-8309

13 and

14 3. Petitioner's request for appointment of counsel (ECF No. 29) is denied without
15 prejudice.

16 Dated: December 9, 2014

17 /orte1913.110+

18 
19 _____
20 KENDALL J. NEWMAN
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28