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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRERW B. THOMPSON, III,  
Petitioner,  
v.  
RANDY GROUNDS,  
Respondent.

No. 2:14-cv-00032 DAD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has submitted an application requesting leave to proceed in forma pauperis; however, he has not submitted the form used by this district and there is no certificate which has been completed by an authorized official as to the funds in petitioner's inmate trust account. Petitioner will be provided an opportunity to submit a new application.

Petitioner has also filed a motion for 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.

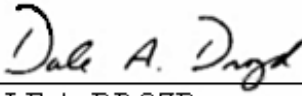
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In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner shall submit, within thirty days from the date of this order, a new application in support of his request to proceed in forma pauperis using the form provided by the court; the certificate portion of the application must be completed by an authorized official;
2. Petitioner's January 6, 2014 motion for the appointment of counsel (ECF No. 3) is denied without prejudice;
3. The Clerk of the Court is directed to provide petitioner with the court's form application for requesting leave to proceed in forma pauperis by a state prisoner; and
4. Petitioner's failure to comply with this order will result in a recommendation that this action be dismissed.

Dated: January 10, 2014



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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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