

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RICK DESHON,

No. 2:14-cv-509-JAM-EFB P

Petitioner,

V.

## ORDER

A. KAESTNER and JEFFREY BEARD,

## Respondents.

Petitioner, a state prisoner proceeding without counsel, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has requested that the court appoint counsel and that the court recognize inmate William Thornton as his “next friend.” As explained below, both requests are denied.

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.

Petitioner also requests that Mr. Thornton be recognized as petitioner's "next friend." A "next friend" must be "truly dedicated to the best interests of the person on whose behalf he seeks to litigate, . . . and it has been further suggested that a 'next friend' must have some significant

1 relationship with the real party in interest.” *Whitmore v. Arkansas*, 495 U.S. 149, 163-64 (1990).  
2 Here, there is no indication that petitioner and Mr. Thornton have the type of relationship to allow  
3 for Mr. Thornton’s standing as “next friend.”

4 Accordingly, it is hereby ORDERED that petitioner’s request for appointment of counsel  
5 and for “next friend” standing (ECF Nos. 26, 28) are denied.

6 Dated: March 25, 2015.

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8 EDMUND F. BRENNAN  
9 UNITED STATES MAGISTRATE JUDGE  
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