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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL B. PRYOR,
Petitioner,
v.
SPEARMAN,
Respondent.

No. 2:14-cv-1521 KJN P

ORDER

Petitioner is a state prisoner proceeding without counsel. On July 28, 2014, petitioner filed a petition for writ of habeas corpus. On July 14, 2014, petitioner filed a motion for leave to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Because petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondent will be directed to file a response to petitioner’s habeas petition.

Petitioner has renewed his request 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.

1 Governing § 2254 Cases. In the present case, the court does not find that the interests of justice
2 would be served by the appointment of counsel at the present time.

3 Accordingly, IT IS HEREBY ORDERED that

4 1. Petitioner's motion to proceed in forma pauperis (ECF No. 8) is granted.

5 2. Respondent is directed to file a response to petitioner's habeas petition within sixty
6 days from the date of this order. See Rule 4, 28 U.S.C. foll. § 2254. An answer shall be
7 accompanied by all transcripts and other documents relevant to the issues presented in the
8 petition. See Rule 5, 28 U.S.C. foll. § 2254.

9 3. If the response to the habeas petition is an answer, petitioner's reply, if any, shall be
10 filed and served within thirty days after service of the answer.

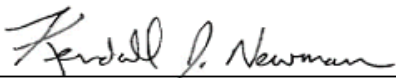
11 4. If the response to the habeas petition is a motion, petitioner's opposition or statement
12 of non-opposition to the motion shall be filed and served within thirty days after service of the
13 motion, and respondent's reply, if any, shall be filed and served within fourteen days thereafter.

14 5. The Clerk of the Court shall serve a copy of this order, the form Consent to Proceed
15 Before a United States Magistrate Judge, and a copy of the petition for writ of habeas corpus
16 pursuant to 28 U.S.C. § 2254 on Michael Patrick Farrell, Senior Assistant Attorney General.

17 6. Petitioner's request for appointment of counsel (ECF No. 9) is denied without
18 prejudice.

19 Dated: August 5, 2014

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21 pry01521.110


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE