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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY FISHER AKA GARY DALE  
BARGER,

Petitioner,

v.

R.J. RACKLEY,

Respondent.

No. 2:14-cv-02135 AC 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(a)(2)(B) authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See also, Rule 8(c), Fed. R. Governing § 2254 Cases (court must appoint counsel for evidentiary hearings). 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.

Accordingly, IT IS HEREBY ORDERED that petitioner’s October 2, 2014 request for appointment of counsel (ECF No. 13) is denied without prejudice to a renewal of the motion at a

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1 later stage of the proceedings.

2 DATED: October 17, 2014

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4 ALLISON CLAIRE  
5 UNITED STATES MAGISTRATE JUDGE

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