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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON D. McCOY,

 Petitioner,

 v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION,

 Respondent.

No. 2:14-cv-2179-TLN-EFB P

ORDER

Petitioner is a state prisoner without counsel seeking a writ of mandamus pursuant to 28 U.S.C. § 1651. He has not, however, filed an in forma pauperis affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). Petitioner will be provided the opportunity to either submit the appropriate affidavit in support of a request to proceed in forma pauperis or submit the appropriate filing fee.

Petitioner has requested that the court appoint counsel. There currently exists no absolute right to appointment of counsel in mandamus proceedings. The court may, however, appoint counsel at any stage of the proceedings “if the interests of justice so require.” See 18 U.S.C. § 3006A. The court does not find that the interests of justice would be served by the appointment of counsel at this stage of the proceedings.


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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, an affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee; petitioner's failure to comply with this order will result in a recommendation that this action be dismissed;
2. Petitioner's request for appointment of counsel (ECF No. 3) is denied; and
3. The Clerk of the Court is directed to send petitioner a copy of the in forma pauperis form used by this district.

Dated: March 11, 2015.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE