UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN DAVID PAYNE,

Petitioner,

v.

ERIC ARNOLD,

Respondent.

No. 2:14-cv-2394-JAM-EFB P

ORDER

On March 27, 2017, the court denied petitioner's application for a writ of habeas corpus. ECF No. 26. The Clerk of the Court closed the case and judgment was entered accordingly. ECF No. 27. On April 17, 2017, petitioner filed a notice of appeal, which was processed to the U.S. Court of Appeals for the Ninth Circuit. ECF No. 28. On May 1, 2017, petitioner requested appointment of counsel by this court. ECF No. 31.

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 petitioner has not provided information upon which the court can find that the interests of justice would be served by the appointment of counsel at this stage of the proceedings.

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Accordingly, it is hereby ordered that petitioner's request for the appointment of counsel (ECF No. 31) is denied without prejudice.

Dated: June 5, 2017.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE