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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY CLIFFORD JACKSON,

Petitioner,

v.

CALIFORNIA BOARD OF PAROLE
HEARINGS,

Respondent.

No. 2:15-cv-0609 KJM KJN P

ORDER

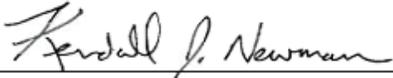
Petitioner has requested the appointment of counsel. Petitioner contends that when a court issues an order to show cause, counsel must be appointed for an indigent petitioner who requests counsel, citing Rule 4.551(c)(2) of the California Rules of Court. However, petitioner’s reliance on Rule 4.551(c)(2) is unavailing because it applies to habeas corpus proceedings in the California state courts. The instant action is proceeding in federal court.

In federal court, 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. Governing § 2254 Cases. 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.

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Accordingly, IT IS HEREBY ORDERED that petitioner's motion for appointment of counsel (ECF No. 12) is denied without prejudice.

Dated: May 21, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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