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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RICHARD A. BARKER,

No. 2:16-CV-0165-CMK-P

Petitioner,

vs.

ORDER

BOARD OF PAROLE HEARINGS,  
et al.,

Respondents.

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court are: (1) petitioner’s motion for leave to amend (Doc. 6); (2) petitioner’s motion for appointment of counsel (Doc. 13); and (3) petitioner’s motion for an extension of time (Doc. 15). Respondents’ motion to dismiss (Doc. 11) and petitioner’s motion for discovery (Doc. 9) will be addressed separately.

Petitioner seeks leave to file an amended petition (Doc. 6). Petitioner has not, however, submitted with his motion a proposed amended petition which is complete in itself without reference to the prior pleading. See Local Rule 220. Petitioner’s motion will, therefore, be denied without prejudice.

1           Petitioner seeks the appointment of counsel (Doc. 13). There currently exists no  
2 absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d  
3 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at  
4 any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing  
5 § 2254 Cases. In the present case, the court does not find that the interests of justice would be  
6 served by the appointment of counsel. Further requests for the appointment of counsel will not  
7 be considered.

8           Finally, petitioner seeks an extension of time (Doc. 15) to file his opposition to  
9 respondents’ motion to dismiss. Good cause appearing therefor, the request will be granted.  
10 Petitioner’s opposition filed on June 16, 2016, will be deemed timely.

11           Accordingly, IT IS HEREBY ORDERED that:

- 12           1.       Petitioner’s motion for leave to amend (Doc. 6) is denied without  
13 prejudice;
- 14           2.       Petitioner’s motion for the appointment of counsel (Doc. 13) is denied;
- 15           3.       Petitioner’s motion for an extension of time (Doc. 15) is granted; and
- 16           4.       Petitioner’s opposition filed on June 16, 2016, is deemed timely.

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18 DATED: June 22, 2016

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20 **CRAIG M. KELLISON**  
21 UNITED STATES MAGISTRATE JUDGE  
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