

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FREDERICK TANNER,
Petitioner,
v.
STU SHERMAN,
Respondent.

No. 2:16-cv-0581 KJN 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 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.

Accordingly, IT IS HEREBY ORDERED that petitioner’s motions for appointment of counsel (ECF No. 4, 11 and 18) are denied without prejudice to a renewal of the motion at a later stage of the proceedings.

Dated: October 21, 2016

tann0581.110


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE