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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EZRA DAVE GIPAN MALING,
Petitioner,
v.
JEH CHARLES JOHNSON, et al.,
Respondents.

No. 2:16-cv-1263-EFB P

ORDER

Petitioner proceeds without counsel and seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241. He has paid the filing fee and seeks the appointment of counsel.

A judge “entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243. It is not apparent from the face of the application that the petitioner is not entitled to relief.

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 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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Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner’s request for the appointment of counsel (ECF No. 2) is denied without prejudice.
2. Respondent shall file an answer or a motion in response to petitioner’s application within 30 days from the date of this order. Any response shall be accompanied by any and all transcripts or other documents relevant to the determination of the issues presented in the application.
3. Petitioner’s reply, if any, shall be filed and served within 30 days of service of an answer.
4. If the response to petitioner’s application is a motion, petitioner’s opposition or statement of non-opposition shall be filed and served within 30 days of service of the motion, and respondents’ reply, if any, shall be filed within 14 days thereafter.

DATED: June 27, 2016.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE