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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE A. GIPBSIN,
Petitioner,
v.
MCCUMBER, Warden, et al.,
Respondents.

No. 2:16-cv-1590 MCE AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a sixth request for appointment of counsel. ECF No. 33. 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.

The court filed Findings and Recommendations in this case on November 22, 2016, which remain pending before the district judge, and which recommend dismissal of petitioner’s application for a writ of habeas corpus and all supplements thereto. See ECF No. 30. Petitioner filed objections to the findings and recommendations on December 1, 2016. See ECF No. 32.

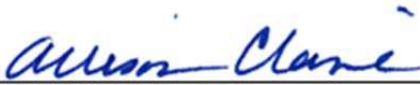
In light of the pending recommendation for dismissal, the court does not find that the interests of justice would be served by the appointment of counsel at this time.

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Accordingly, IT IS HEREBY ORDERED that petitioner's motion for appointment of counsel (ECF No. 33) is denied without prejudice.

DATED: December 5, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE