

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

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

MARC ANTHONY DONIAS,  
Petitioner,  
v.  
RAYTHEL FISHER,  
Respondent.

No. 2:16-CV-2674-DMC-P

ORDER

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 petitioner’s motion (1) for an extension of time to file a traverse (ECF No. 47) and (2) for an extension of time to file a traverse and for appointment of counsel (ECF No. 48).

Good cause appearing therefor, petitioner’s motions for an extension of time to file a traverse will be granted. Petitioner may file a traverse within 30 days of the date of this order.

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.

///

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

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's motions for an extension of time to file a traverse (ECF Nos. 47 and 48) are granted;
2. Petitioner may file a traverse within 30 days of the date of this order; and
3. Petitioner's motion for the appointment of counsel (ECF No. 48) is denied.

Dated: August 22, 2019



---

DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE