

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

ANDREAU GERALD WILSON,
Petitioner,
v.
SAN QUENTIN PRISON,
Respondent.

No. 2:16-cv-2703 CKD 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.

Petitioner has also filed a motion for discovery. This will be denied as premature, as he has not yet filed an amended petition and no respondent has been served. (See ECF No. 11.)

Accordingly, IT IS HEREBY ORDERED that:

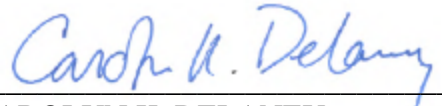
1. Petitioner’s request for appointment of counsel (ECF No. 12) is denied without prejudice to a renewal at a later stage of the proceedings; and

///
///

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

2. Petitioner's motion for discovery (ECF No. 13) is denied as premature.

Dated: February 15, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

2/kly
wils2703.110