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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT W. NEAL,
Petitioner,
v.
WARDEN OF SATF, et al.,
Respondents.

No. 2:16-cv-2778 DB P

ORDER


Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus. Petitioner filed his petition on October 14, 2016 in the Northern District of California. It was transferred to this court on November 23, 2016. Petitioner challenges his conviction and sentence on the grounds that he is factually innocent, that he was incompetent to enter a plea, that he received ineffective assistance of counsel.

Petitioner has requested the appointment of counsel. He states that the “complexities of the case” require it. 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.

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Accordingly, IT IS HEREBY ORDERED that petitioner's request for appointment of counsel (ECF No. 7) is denied without prejudice to a renewal of the motion at a later stage of the proceedings.

Dated: December 7, 2016



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DLB1/prisoner-habeas/Neal2778.110