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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID SCOTT HALL,
Petitioner,
v.
PEOPLE OF THE STATE OF CALIFORNIA,
Respondent.

No. 2:17-cv-0312 KJM DB P

ORDER

Petitioner has requested the appointment of counsel on the grounds that he is mentally ill and taking medication that affects his ability to understand how to proceed. 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. Accordingly, IT IS HEREBY ORDERED that petitioner’s motion for appointment of counsel (ECF NO. 13) is denied without prejudice to a renewal of the motion at a later stage of the proceedings.

Petitioner has also expressed confusion as to how to respond to respondent’s pending motion to dismiss. The court construes this is a request for clarification. Pursuant to Eastern

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1 District of California Local Rule 230(l), motions filed in prisoner actions must be opposed within
2 twenty-one days of service, and reply briefs are due seven days thereafter:

3 All motions, except motions to dismiss for lack of prosecution, filed
4 in actions wherein one party is incarcerated and proceeding in
5 propria persona, shall be submitted upon the record without oral
6 argument unless otherwise ordered by the Court. Such motions
7 need not be noticed on the motion calendar. Opposition, if any, to
8 the granting of the motion shall be served and filed by the
9 responding party not more than twenty-one (21) days after the date
10 of service of the motion. A responding party who has no opposition
11 to the granting of the motion shall serve and file a statement to that
effect, specifically designating the motion in question. Failure of
the responding party to file an opposition or to file a statement of no
opposition may be deemed a waiver of any opposition to the
granting of the motion and may result in the imposition of
sanctions. The moving party may, not more than seven (7) days
after the opposition has been filed in CM/ECF, serve and file a
reply to the opposition. All such motions will be deemed submitted
when the time to reply has expired.

12 Respondent filed its motion to dismiss on August 1, 2017. In light of petitioner's request for
13 clarification, the undersigned will grant him additional time in which to file his opposition, if any,
14 to the pending motion.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Petitioner's motion for the appointment of counsel (ECF No. 16) is DENIED;
- 17 2. Petitioner's request for clarification is GRANTED; and
- 18 3. Petitioner shall file his opposition or statement of non-opposition to the pending
19 motion to dismiss on or before October 3, 2017.

20 Dated: September 13, 2017

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24 DEBORAH BARNES
25 UNITED STATES MAGISTRATE JUDGE

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