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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH WAYNE MILLS,  
Petitioner,  
v.  
CALIFORNIA DEPT. OF  
CORRECTIONS,  
Respondent.

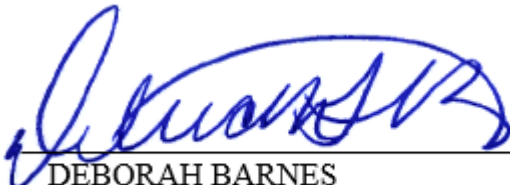
No. 2:17-cv-0510 JAM DB P

ORDER

Petitioner has requested the appointment of counsel based on, as the best as the court can determine from the moving papers, mental incompetence. 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.

Dated: September 13, 2017

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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