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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 TODD M. WILKINSON

No. 2:17-cv-00606 GGH

12 Petitioner,

13 v.

ORDER

14 JOE LIZARRAGA,

15 Respondent.
16

17 Petitioner is proceeding in pro se with the above-entitled action. On May 17, 2017, he
18 filed a Motion to Appoint Counsel. ECF No. 12. There currently exists no absolute right to
19 appointment of counsel in habeas proceedings. See, e.g., Anderson v. Heinze, 258 F.2d 479, 481
20 (9th Cir. 1958); Mitchell v. Wyrick, 727 F.2d 773, 774 (8th Cir. 1984). However, Title 18 U.S.C.
21 section 3006A(a)(2)(B) authorizes the appointment of counsel at any stage of the case if “the
22 interests of justice so require.” See Rule 8(c), Rules Governing Section 2254 Cases.

23 In the present case, the Court does not find that the interests of justice require the
24 appointment of counsel at the present time. Respondent has only recently filed an Answer to the
25 Petition on May 4, 2017. ECF No. 10. As a result Petitioner’s request for appointment of
26 counsel will be denied without prejudice.

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Accordingly, **IT IS HEREBY ORDERED** that:

Petitioner's Motion for Appointment of Counsel is DENIED without prejudice.

Dated: May 24, 2017

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE