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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CESAR SANTANA,
Petitioner,
v.
SCOTT FRAUENHEIM,
Respondents.

No. 2:17-cv-1039 MCE DB P

ORDER

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. On January 25, 2019, respondent filed a motion to dismiss arguing the petition should be dismissed as untimely. Petitioner has requested the appointment of counsel and an extension of time to file a response to the motion to dismiss. (ECF No. 13.)

In support of his motion to appoint counsel petitioner argues the proceedings are complex. 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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Petitioner has additionally requested an extension of time to respond to the motion to dismiss. Good cause appearing the court will grant petitioner additional time to file a response to the motion to dismiss.

Accordingly, IT IS HEREBY ORDERED that:

1. 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.
2. Petitioner’s motion for an extension of time to file a response to the motion to dismiss is granted. Petitioner shall file his opposition no later than April 4, 2019.

Dated: March 4, 2019



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:12
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