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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY C. JOHNSON,
Petitioner,
v.
SCOTT KERNAN, et al.,
Respondents.

No. 2:17-cv-2525 AC P

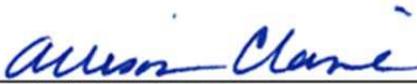
ORDER

Petitioner has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A(a)(2) authorizes the appointment of counsel at any stage of the case if “the interests of justice so require.” Petitioner asserts that he requires counsel because of his mobility limitations and limited ability to acquire the knowledge necessary to pursue this case. He also states he will need an attorney if there is an evidentiary hearing. As petitioner was previously advised, respondent has been ordered to respond to the petition and he is not required to take any further action until a response has been filed. It is not clear how petitioner’s mobility limitations prevent him from representing himself and his limited knowledge is not an extraordinary circumstance. Furthermore, it is not yet known whether an evidentiary hearing will be held in this case. For these reasons, 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. 17) is denied without prejudice to a renewal of the motion at a later stage of the proceedings.

DATED: April 11, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE