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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTONIO MORRIS,  
Petitioner,  
v.  
ERIC ARNOLD,  
Respondent.

No. 2:18-cv-0292 DB P  
ORDER

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner has requested a copy of the “Amenability Report,” which respondent refers to in his answer. (ECF No. 19.) In addition, petitioner requests an extension of time to file the traverse and appointment of counsel. (ECF Nos. 14, 19.)

Petitioner asks the court to provide a copy of the Amenability Report. However, it does not appear to have been provided with the state court record submitted by respondent with the answer and therefore is not available to the court. If available, that report would have to be provided by respondent. Respondent will be ordered to respond to petitioner’s request for a copy of the report. The court will also grant petitioner’s motion for an extension of time to file a traverse until this issue is resolved.


With respect to petitioner’s motion for the appointment of counsel, petitioner is informed that there is no absolute right to appointment of counsel in habeas proceedings. See Nevius v.

1 Sumner, 105 F.3d 453, 460 (9th Cir. 1996). Although 18 U.S.C. § 3006A authorizes the  
2 appointment of counsel at any stage of a habeas proceeding “if the interests of justice so require,”  
3 see Rule 8(c), Fed. R. Governing § 2254 Cases, the court finds that the interests of justice do not  
4 require appointment of counsel in this case at the present time. Petitioner’s motion will be denied  
5 without prejudice to a renewal of the motion, if appropriate, at a later stage of these proceedings.

6 Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

- 7 1. Within ten days of the date of this order, respondent shall file a response to  
8 petitioner’s request for a copy of the Amenability Report identified in the answer.
- 9 2. Petitioner’s request for an extension of time to file a traverse (ECF No. 19) is granted.  
10 The court will set a due date for petitioner’s traverse after it has resolved the question  
11 of petitioner’s right to a copy of the Amenability Report.
- 12 3. Petitioner’s motion for the appointment of counsel (ECF No. 14) is denied.

13 Dated: July 11, 2018

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16 DEBORAH BARNES  
17 UNITED STATES MAGISTRATE JUDGE

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