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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL LADONTE SCOTT,
Petitioner,
v.
ROBERT W. FOX,
Respondent.

No. 2:18-cv-2687 TLN KJN P

ORDER

Petitioner is a state prisoner, proceeding without counsel, in this closed case, which is presently on appeal.

On September 3, 2020, petitioner renewed his request for the appointment of counsel. 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. On August 19, 2020, the district court denied the petition for writ of habeas corpus, and declined to grant a certificate of appealability. Therefore, the court does not find that the interests of justice would be served by the appointment of counsel.

On September 3, 2020, petitioner also filed a motion for an expedited response/decision because he has been diagnosed positive for COVID-19. The court regrets that plaintiff is suffering from COVID-19, and hopes that plaintiff makes a speedy recovery. That said, this court


1 has issued its decision, and no further decision or response is required by this court. Indeed, this
2 court now lacks jurisdiction because the case is on appeal. Therefore, any further motions should
3 be filed in petitioner's appellate case currently pending in the Ninth Circuit Court of Appeals, 95
4 7th Street, San Francisco, CA 94103. Petitioner's appeal was processed on September 8, 2020,
5 and has not yet been assigned a case number by the appellate court, but petitioner will be notified
6 of such case number once it is assigned.

7 The instant petition for writ of habeas corpus was denied on August 19, 2020, and
8 judgment was entered. Therefore, documents filed by petitioner hereafter will be disregarded and
9 no orders will issue in response to future filings

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Petitioner's request for appointment of counsel (ECF No. 101) is denied.
- 12 2. Petitioner's motion (ECF No. 102) is denied.

13 Dated: September 10, 2020

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16 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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