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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KANE MICHAEL THOMPSON,
Petitioner,
v.
M.E. SPEARMAN,
Respondent.

No. 2:19-cv-2328 KJM DB P

ORDER

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus under 28 U.S.C. § 2254. Petitioner challenges his 2017 conviction in Sacramento County Superior Court. Respondent has filed a motion to dismiss. (ECF No. 25.)

Petitioner has requested the appointment of counsel. (ECF No. 29.) 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, petitioner has filed motions and responded to court orders. (See, e.g. ECF Nos. 2, 13, 14, 18.) Additionally, petitioner has properly filed a petition for writ of habeas corpus which claims violations of constitutional rights which, if proved, may entitle him to relief. (ECF No. 20.) Thus, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

1 Petitioner has also requested an extension of time to file and serve a response to
2 respondent's January 4, 2021 motion to dismiss. (ECF No. 29.) Petitioner requests this extension
3 as he was recently hospitalized, placed in quarantine, and transferred to another facility. (ECF
4 No. 29 at 2.) Good cause appearing, petitioner's motion for extension of time will be granted.

5 Good cause appearing, IT IS HEREBY ORDERED that:

- 6 1. Petitioner's motion for appointment of counsel (ECF No. 29) is denied without
7 prejudice to a renewal of the motion at a later stage of the proceedings;
- 8 2. Petitioner's motion for an extension of time (ECF No. 29) is granted; and
- 9 3. Petitioner shall file and serve his response to respondent's motion to dismiss (ECF No.
10 25) within thirty days from the date of this order.

11 Dated: April 26, 2021

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15 DEBORAH BARNES
16 UNITED STATES MAGISTRATE JUDGE
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19 DB:14

20 DB:1/Orders/Prisoner/Habeas/R/thom2328.110+111(2)

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