1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JERRALD D. GAZAWAY, No. 2:23-CV-0699-WBS-DMC-P 12 Petitioner, 13 **ORDER** v. 14 STATE OF CALIFORNIA, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of 18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the Court is Petitioner's renewed 19 motion for the appointment of counsel. See ECF No. 24. 20 There currently exists no absolute right to appointment of counsel in habeas 21 proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. 22 § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice 23 so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the Court does 24 not find that the interests of justice would be served by the appointment of counsel at the present 25 time. /// 26 /// 27 28 /// 1

Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for appointment of counsel, ECF No. 24, is denied without prejudice to renewal, at the earliest, after an answer to the petition has been filed. Dated: May 9, 2024

DENNIS M. COTA UNITED STATES MAGISTRATE JUDGE