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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATHANIEL WATKINS,

Petitioner,

v.

ANTHONY HEDGPETH,

Respondent.

No. C-09-3071 MMC

**ORDER DENYING PETITIONER'S
APPLICATION FOR APPOINTMENT OF
COUNSEL ON APPEAL**

Before the Court is petitioner's "Application for Appointment of Counsel on Appeal," filed November 29, 2012. Having read and considered the application, the Court rules as follows.

The Sixth Amendment's right to counsel does not apply in habeas corpus actions. See Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir. 1986). A district court has discretion, however, to appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require and such person is financially unable to obtain representation." See 18 U.S.C. § 3006A(a)(2)(B)

Here, petitioner fails to show that the interests of justice require the Court to undertake a search for volunteer counsel to represent petitioner for purposes of appeal, particularly given that petitioner's notice of appeal was filed more than four months after judgment was entered, and, consequently, is untimely. See Fed. R. App. P. 4(a)(1)

1 (providing notice of appeal must be filed within 30 days after entry of judgment); Bowles v.
2 Russell, 551 U.S. 205, 209 (2007) (holding thirty-day deadline set forth in Rule 4(a)(1) is
3 “mandatory and jurisdictional”).

4 Accordingly, petitioner’s application for appointment of counsel is hereby DENIED.

5 **IT IS SO ORDERED.**

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7 Dated: December 21, 2012

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9 MAXINE M. CHESNEY
10 United States District Judge
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