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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DAVID BENNETT,  
Petitioner,  
v.  
DEBBIE ASUNCION,  
Respondent.

Case No. [16-cv-01918-JD](#)

**ORDER**

Re: Dkt. Nos. 18, 21, 22, 23, 34

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This action is fully briefed and was recently reassigned to the Court. Presently pending are several miscellaneous motions filed by petitioner. Petitioner has requested the appointment of counsel. The Sixth Amendment’s right to counsel does not apply in habeas corpus actions. *Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). However, 18 U.S.C. § 3006A(a)(2)(B) provides that in habeas cases, whenever “the court determines that the interests of justice so require”, representation may be provided for any financially eligible person. Petitioner has presented his claims adequately, and they are not particularly complex. The request is denied without prejudice.

For the foregoing reasons, the Court hereby orders as follows:

1. Petitioner’s motions to vacate the extensions (Docket Nos. 18, 23) are **DENIED** as moot.
2. Petitioner’s motions to appoint counsel (Docket Nos. 21, 34) are **DENIED**.

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3. Petitioner’s motion for a protective order (Docket No. 22) is **DENIED**. If petitioner wishes to challenge the conditions of his confinement he must file a civil rights action. The Clerk shall send plaintiff a blank civil rights complaint.

**IT IS SO ORDERED.**

Dated: August 8, 2017

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 DAVID BENNETT,  
4 Plaintiff,  
5 v.  
6 DEBBIE ASUNCION,  
7 Defendant.  
8

Case No. [16-cv-01918-JD](#)

**CERTIFICATE OF SERVICE**

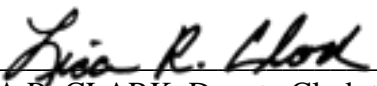
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
10 District Court, Northern District of California.

11  
12 That on August 8, 2017, I SERVED a true and correct copy(ies) of the attached, by placing  
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
15 receptacle located in the Clerk's office.  
16

17 David Bennett ID: V90090  
18 California Medical Facility Housing: Q3 - 320  
19 P.O. Box 2000  
20 Vacaville, CA 95696-2000

21 Dated: August 8, 2017

22  
23 Susan Y. Soong  
24 Clerk, United States District Court

25  
26 By:   
27 LISA R. CLARK, Deputy Clerk to the  
28 Honorable JAMES DONATO