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

JAMAI JOHNSON,)	No. C 02-4632 RMW (PR)
)	
Petitioner,)	ORDER DENYING REQUEST
)	FOR APPOINTMENT OF
vs.)	COUNSEL
)	
JOHN W. HAVILAND, Warden,)	
)	
Respondent.)	(Docket No. 88.)

Petitioner, a state prisoner proceeding pro se, filed a third amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 29, 2010, respondent filed an answer. Petitioner filed a traverse. On March 30, 2012, the court partially denied the petition for habeas corpus and ordered further briefing on the remaining claim.

Petitioner has filed a request for appointment of counsel because he has limited access to the prison law library due to his work assignment. While 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner if "the court determines that the interests of justice so require," the courts have made appointment of counsel the exception rather than the rule. Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. See Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986).

1 For the past nine years, petitioner has adequately presented his claims for relief. He has
2 succeeded in filing a third amended petition (Docket No. 26), an opposition to respondent's
3 motion to dismiss (Docket No. 33), a traverse (Docket No. 84), and a number of other motions
4 (Docket Nos. 3, 10, 15, 17, 40). Respondent has produced the state record, which includes
5 exhaustive briefing in the state court of appeals and state supreme court prepared by counsel.
6 Respondent has also been ordered to produce transcripts of the voir dire proceeding and any juror
7 questionnaires. Should petitioner require additional time to complete further briefing, he can
8 motion the court for an extension of time. However at this time, there are no extraordinary
9 circumstances necessitating the appointment of counsel. Accordingly, petitioner's request for
10 appointment of counsel is DENIED without prejudice.

11 IT IS SO ORDERED.

12 DATED: _____


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOHNSON,
Plaintiff,

Case Number: CV02-04632 RMW

CERTIFICATE OF SERVICE

v.

RUNNELS,
Defendant.

_____/

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

That on October 12, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jamai Johnson P84615
California State Prison-Corcoran
P.O. Box 5248
Corcoran, CA 93212

Dated: October 12, 2012

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk