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

ARMANDO GONZALEZ,)	No. C 08-2389 RMW (PR)
)	
Petitioner,)	ORDER GRANTING REQUEST FOR
)	TRANSCRIPTS; GRANTING
vs.)	EXTENSION OF TIME TO FILE
)	TRAVERSE; DENYING REQUEST FOR
VIRGA, Warden,)	APPOINTMENT OF COUNSEL
)	
Respondent.)	
)	
_____)	(Docket Nos. 30, 31, 32.)

Petitioner, a state prisoner proceeding pro se, filed an amended petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a criminal judgment from Santa Clara County superior court. (Doc. No. 3.) The court issued an order to show cause why petitioner’s writ should not be granted. (Doc. No. 6.) On August 14, 2012, respondent filed an answer to petitioner’s amended petition for writ of habeas corpus. (Doc. No. 26.) Respondent also lodged exhibits in support of the answer to the petition for writ of habeas corpus. (Id.)

Petitioner has filed three motions. First, Petitioner requests transcripts of the proceedings occurring on February 8, 2005 and April 15, 2005 in Santa Clara County Superior Court, Case No. CC250319. (Doc. No. 30.) Petitioner’s request is **GRANTED**. The court notes that the transcripts petitioner requests were included in the exhibits lodged by respondent. Respondent certified that he mailed a copy of the exhibits to petitioner on August

Order Granting Req. for Trans; Granting EOT to File Traverse; Denying Appt. of Counsel
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United States District Court
For the Northern District of California

1 14, 2012. (Doc. No. 26.) However, in order to expedite these proceedings, respondent is
2 directed to provide an additional courtesy copy of the requested transcripts to petitioner.

3 Petitioner also requests a copy of the pro se petition filed in Gonzalez v. Virga, No. C-
4 10-4236 JW. That case was dismissed by the court because it was opened in error. The court
5 directed that the petition be filed instead as an amended petition in the instant action as Docket
6 Number 3. **The clerk is instructed to send petitioner a one-time courtesy copy of the**
7 **amended petition.** (Doc. No. 3.)

8 Second, petitioner also requests an extension of time to file a traverse. (Doc. No. 31.)
9 Petitioner's request for an extension of time to file a traverse is **GRANTED**. Petitioner shall
10 file and serve the traverse **no later than thirty (30) days from the filing date of this order.**

11 Petitioner's final request is for appointment of counsel. (Doc. No. 32.) The Sixth
12 Amendment's right to counsel does not apply in habeas actions. Knaubert v. Goldsmith, 791
13 F.2d 722, 728 (9th Cir. 1986). Pursuant to statute, however, a district court is authorized to
14 appoint counsel to represent a habeas petitioner whenever "the court determines that the
15 interests of justice so require and such person is financially unable to obtain representation."
16 See 18 U.S.C. § 3006A(a)(2)(B). Unless an evidentiary hearing is required, the decision to
17 appoint counsel is within the discretion of the district court. See Knaubert, 791 F.2d at 728;
18 Bashor v. Risley, 730 F.2d 1228, 1234 (9th Cir. 1984). An evidentiary hearing does not appear
19 necessary at this time, and there are no exceptional circumstances to warrant appointment of
20 counsel. Petitioner's claims were adequately presented in the petition. Consequently, the
21 interests of justice do not require appointment of counsel in the instant case, and the request for
22 appointment of counsel is hereby **DENIED**. Should the circumstances change materially at a
23 later stage of the litigation, the Court will reconsider this decision sua sponte.

24 This order terminates docket numbers 30, 31 and 32.

25
26 DATED: _____



RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ARMANDO R. GONZALEZ,
Plaintiff,

Case Number: CV08-02389 RMW
CERTIFICATE OF SERVICE

v.

JAMES WALKER, ET AL. et al,
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 December 19, 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.

Armando R. Gonzalez V-74787
C4/206
High Desert State Prison
P.O. Box 3030
Susanville, CA 96127

Dated: December 19, 2012

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