

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERRANCE TERWILLIGAR,

No. C 10-01140 JF (PR)

Petitioner,

ORDER GRANTING MOTION FOR
SECOND EXTENSION OF TIME TO
FILE TRAVERSE; GRANTING
REQUEST FOR ACCESS TO LAW
LIBRARY; DENYING REQUEST FOR
APPOINTMENT OF COUNSEL

v.

R. BARNES, Warden,

Respondent.

(Docket No. 44)

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court directed Respondent to file an answer to the petition and granted Petitioner leave to file a traverse within thirty days after the answer was filed. Respondent has filed an answer. Petitioner now moves for a second extension of time to file a traverse. (Docket No. 44.) Good cause appearing, Petitioner's motion is **GRANTED**, such that Petitioner shall file a traverse **no later than November 25, 2010**. **Prison officials shall grant Petitioner reasonable access to the law library so he may conduct research and prepare necessary documents.**

Petitioner has also made a request for appointment of counsel. (Docket No. 44 at 2.) The Sixth Amendment's right to counsel does not apply in habeas corpus actions. See

1 Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir.), cert. denied, 479 U.S. 867 (1986).
2 Unless an evidentiary hearing is required, the decision to appoint counsel is within the
3 discretion of the district court. See Knaubert, 791 F.2d at 728; Bashor v. Risley, 730 F.2d
4 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). The matter has been fully briefed
5 and is ready for decision. No evidentiary hearing is required at this time. There are no
6 exceptional circumstances to warrant appointment of counsel. Accordingly, Petitioner's
7 request is DENIED.

8 Lastly, Petitioner requests another copy of the "Attorney General's Reply" which was
9 confiscated by the prison library. Petitioner's request is GRANTED. The Clerk shall
10 enclose a copy of Respondent's Answer, (Docket No. 10), with a copy of this order to
11 Petitioner.

12 This order terminates Docket No. 44.

13 IT IS SO ORDERED.

14 DATED: 9/15/10
15 _____

16 
17 _____
18 JEREMY FOGEL
19 United States District Judge
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TERRANCE TERWILLIGAR,
Petitioner,

Case Number: CV10-01140 JF

CERTIFICATE OF SERVICE

v.

R. BARNES, Warden,
Respondent.

_____/

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 9/20/10, 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.

Terrance Terwilligar H-46832
P.O. Box 2210
Susanville, CA 96127

Dated: 9/20/10

Richard W. Wieking, Clerk