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United States District Court
For the Northern District of California

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

JOSE ANTONIO MEREL,)	No. C 10-05077 EJD (PR)
)	
Petitioner,)	ORDER GRANTING MOTION FOR
)	EXTENSION OF TIME TO FILE
vs.)	TRAVERSE; DENYING MOTION
)	FOR APPOINTMENT OF COUNSEL
ANTHONY HEDGPETH, Warden,)	
)	
Respondent.)	
_____)	(Docket No. 71)

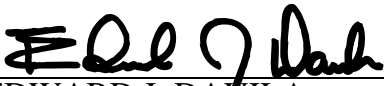
Petitioner, a California prisoner incarcerated at the Salinas Valley State Prison in Soledad, has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging his state conviction. Respondent filed an answer to the Court’s Order to Show Cause on May 11, 2011. (Docket No. 11.) Petitioner has filed a motion for an extension of time to file a traverse and appointment of counsel. (Docket No. 71.) The motion for an extension of time is GRANTED, such that Petitioner must file a traverse **no later than July 11, 2011.**

Petitioner’s motion for appointment of counsel is DENIED. The Sixth Amendment’s right to counsel does not apply in habeas actions. Knaubert v. Goldsmith, 791 F.2d 722, 728 (9th Cir.), cert. denied, 479 U.S. 867 (1986). Pursuant to statute, however, a district court is authorized to appoint counsel to represent a habeas

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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’s claims were adequately presented in the petition. Consequently, the interests of justice do not require appointment of counsel in the instant case. Should the circumstances change materially at a later stage of the litigation, the Court will reconsider this decision *sua sponte*.

DATED: June 23, 2011


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSE ANTONIO MEREL,
Petitioner,

Case Number: CV10-05077 EJD
CERTIFICATE OF SERVICE

v.

ANTHONY HEDGPETH, 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 6/24/2011, 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.

Jose Antonio Merel F 18721
Salinas Valley State Prison
Post Office Box 1050
Soledad, CA 93960-1050

Dated: 6/24/2011

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk