

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Benito Julian Luna v. B. Phillips

Luna v. Phillips · No. 2:24-cv-1686-DC-JDP (P) · Decided November 13, 2025

OPINION

Phillips

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 BENITO JULIAN LUNA, Case No. 2:24-cv-1686-DC-JDP (P) 12 Petitioner, 13 v. ORDER
14 B. PHILLIPS,

15 Respondent. 16

17 Petitioner has requested the appointment of counsel and an extension of time to file 18
objections to the findings and recommendations. ECF No. 17. There currently exists no absolute
19 right to appointment of counsel in habeas proceedings. See *Nevius v. Sumner*, 105 F.3d 453,
460 20 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any
stage 21 of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing §
2254 Cases. 22 In the present case, the court does not find that the interests of justice would be
served by the 23 appointment of counsel at the present time. 24 Accordingly, IT IS HEREBY
ORDERED that: 25 1. Petitioner’s request for appointment of counsel, ECF No. 17, is DENIED
without 26 prejudice; 27 2. Petitioner’s request for an extension of time, ECF No. 17, is
GRANTED; and 28 3. Petitioner shall file objections to the findings and recommendations within
fourteen 1 | days from the date of this order. 2 | IT IS SO ORDERED. 4 | Dated: _ November 13,
2025 ssn ‘ot Sa

JEREMY D. PETERSON

5 UNITED STATES MAGISTRATE JUDGE

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