UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. DONALD J. PEEL, Defendant.	No. 2:14-cr-00192-KJM ORDER

Defendant, a prisoner proceeding pro se, moves for leave to file a motion for the court to reconsider its order vacating its prior order granting defendant's motion to expand the appointment of counsel. Mot. ECF No. 239. The court construes the motion as one for reconsideration and resolves it below.

On May 29, 2020, this court appointed counsel in this case upon the request of the Federal Defender's Office, for the limited purpose of assisting defendant in filing a motion for compassionate release. ECF No. 226. On June 17, 2020, defendant moved to expand the appointment to include his 28 U.S.C. § 2255 motion, ECF No. 233. Because defendant's § 2255 motion is before the magistrate judge assigned to this case, ECF No. 209, the magistrate judge adjudicated defendant's motion to expand the appointment of counsel, and denied it on June 19, 2020. ECF No. 235. On June 22, 2020, this court mistakenly granted the motion, ECF No. 236,

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but, upon realizing the matter was before the magistrate judge, the court vacated its order the following day, ECF No. 237.

Having reviewed defendant's motion for reconsideration, the court finds it did not err in vacating its order granting the motion to expand appointment. The magistrate judge found the interests of justice would not be served by expanding the scope of the appointment of counsel at this time. ECF No. 235 (citing 18 U.S.C. § 3006A; Rule 8(c), Rules Governing Section 2255 Proceedings; *see, e.g.*, *Irwin v. United States*, 414 F.2d 606 (9th Cir. 1969)). Defendant provides no reason why the magistrate judge clearly erred in so finding, and the court also finds none.

Defendant's Motion for Reconsideration, ECF No. 239, is DENIED.

IT IS SO ORDERED.

DATED: August 20, 2020.

CHIEF UNITED STATES DISTRICT JUDGE