UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Respondent, v. DONALD J. PEEL, Movant.	No. 2:14-cr-0192-KJM-CKD-1 ORDER

Movant is a federal prisoner proceeding pro se and in forma pauperis in this proceeding to vacate, set aside or correct his sentence pursuant to 28 US.C. § 2255. Currently pending before the court is movant's motion to amend his § 2255 motion along with a proposed amended pleading raising thirteen claims for relief. ECF Nos. 218-19. The signature date on these pleadings demonstrates that movant mailed them prior to the court's order of March 20, 2020. ECF No. 216. Movant has already been granted leave to amend his § 2255 motion to include all of the 13 claims identified in the most recent amended § 2255 motion. See ECF No. 216. As a result, movant's motion to amend filed on April 2, 2020 is denied as moot.

The court reiterates that the operative motion to vacate, set aside or correct sentence was filed on February 10, 2020 at docket entry number 214. Respondent has been ordered to file an answer to this motion to vacate on or before June 19, 2020. See ECF No. 216.

Movant has also filed a motion requesting the appointment of counsel. There currently

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exists no absolute right to appointment of counsel in § 2255 proceedings. See e.g., Irwin v. United States, 414 F.2d 606 (9th Cir. 1969). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so require." See Rule 8(c), Rules Governing Section 2255 Proceedings. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at this time.

Accordingly, IT IS HEREBY ORDERED that:

1. Movant's motion to amend his 28 U.S.C. § 2255 motion (ECF No. 218) is denied as moot in light of this court's order dated March 20, 2020.
2. The Clerk of Court shall terminate the amended § 2255 motion filed on April 2, 2020 at docket entry number 219.
3. Movant's request for the appointment of counsel (ECF No. 217) is denied without prejudice to a renewal of the request at a later stage of the proceedings.
4. The Clerk of Court is directed to send movant a one-time courtesy copy of the docket from October 31, 2019 to the present.

Dated: April 6, 2020

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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