

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

JACK KENNETH BARRON,

Petitioner,

No. CIV S-03-0842 MCE DAD P

vs.

DERRAL G. ADAMS, et al.,

Respondents.

ORDER

Petitioner has filed a reply to respondents' answer, a motion to remove or dismiss respondents' answer, and a renewed motion for legal representation.

With the filing of respondents' answer and petitioner's reply, and the state court records having been lodged, petitioner's application for a writ of habeas corpus is now fully briefed and has been added to the court's list of cases submitted for decision. The undersigned finds that the interests of justice do not require appointment of counsel at this stage of the proceedings. See 18 U.S.C. § 3006A; Rule 8(c), Fed. R. Governing § 2254 Cases.

Petitioner seeks dismissal of respondents' answer on the ground that the pleading contains an erroneous reference to a person other than petitioner and a typographical error in the case number of petitioner's case in Sacramento County Superior Court. The court takes notice of these errors but finds no legal authority for dismissing the answer in its entirety.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's August 29, 2005 motion to remove or dismiss respondents' answer is denied; and
2. Petitioner's August 29, 2005 motion for legal representation is denied.

DATED: September 2, 2005.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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