

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PHILLIP RAY RICE, #158 553	*	
Petitioner,	*	
v.	*	2:07-CV-72-WHA (WO)
LEON FORNISS, WARDEN, <i>et al.</i> ,	*	
Respondents.	*	

ORDER ON MOTION

Upon consideration of Petitioner's brief in support of petition for writ of habeas corpus which also contains a request for appointment of counsel, and for good cause, it is

ORDERED that the motion (Doc. No. 2) be and is hereby DENIED. *See McFarland v. Scott*, 512 U.S. 849, 857 n. 3 (1994) (a petitioner serving a noncapital sentence has no right to appointment of counsel in a habeas proceeding).

Done, this 29th day of January 2007.

/s/Terry Moorer
TERRY MOORER
UNITED STATES MAGISTRATE JUDGE