

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

RONRICUEZ BERNARD PAYNE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 2:09cv1040-MHT
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

In a 28 U.S.C. § 2255 motion filed on November 9, 2009 (Doc. No. 1), the petitioner claims, among other things, that his trial counsel was ineffective for failing to file a requested notice of appeal on his behalf. Pursuant to this court’s orders, the petitioner’s former counsel has filed an affidavit in which he avers that the petitioner did not request that he pursue an appeal on his behalf (Doc. No. 6). After considering the submissions pertinent to this issue, the undersigned has determined that an evidentiary hearing is required for resolution of this claim of ineffectiveness of counsel presented in the petitioner’s § 2255 motion. See Rule 8, Rules Governing Section 2255 Proceedings for the United States District Court.

Rule 8(c) of the Rules Governing Section 2255 Proceedings for the United States District Courts provides, in relevant part, that counsel must be appointed for a movant who qualifies for appointment of counsel under 18 U.S.C. § 3006A whenever the court determines that an evidentiary hearing is required to resolve one or more issues raised in a

