

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

STEVEN RAY LUDLAM,

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Petitioner,

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No. 5:10-cv-00277-SWW-JJV

v.

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RAY HOBBS, Director, Arkansas
Department of Correction,

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Defendant.

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ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge Joe J. Volpe and the parties' objections. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.¹

Pursuant to 28 U.S.C. § 2253 and Rule 11 of the Rules Governing Section 2554 Cases in the United States District Court, the Court must determine whether to issue a certificate of appealability in the final order. In § 2254 cases, a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). The Court finds no issue on which Mr. Ludlam has made a substantial showing of a denial of a constitutional right. Thus, the certificate of appealability is denied.

¹ In his objections, petitioner requests the appointment of counsel. There is neither a constitutional nor statutory right to counsel in habeas cases. *McCall v. Benson*, 114 F.3d 754, 756 (8th Cir, 1997). Based on the legal complexity of the case and petitioner's ability to both investigate and to articulate his claims without court appointed counsel, *see id.*(factors to consider when court evaluates whether a petitioner needs court appointed counsel), the Court finds that petitioner's request for the appointment of counsel should be and hereby is denied.

IT IS THEREFORE ORDERED that Mr. Ludlam's Petition (Doc. No. 1) is DISMISSED with prejudice. The requested relief is denied and any pending motions are denied as moot.

DATED this 14th day of January, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE