

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 09-cv-02421-REB

RAYMOND MARTINEZ,

Petitioner,

v.

ARISTEDES ZAVARA, Executive Director, Colorado Department of Corrections, and
COLORADO ATTORNEY GENERAL,

Respondents.

MINUTE ORDER¹

The matter comes before the court on the following motions:

- **Prisoner's Motion and Affidavit For Leave To Proceed Pursuant To 28 U.S.C. § 1915** [#15] filed April 6, 2010;
- Petitioner's **Motion To Appoint Counsel** [#16] filed April 6, 2010;
- Petitioner's **Motion For Discovery Pursuant To Rule 6(a) of The Rules Governing Section 2254 Cases and Rules 26-27, 34-35 of The Federal Rules of Civil Procedure** [#18] filed April 6, 2010; and
- Petitioner's **Motion For Enlargement of Time** [#20] filed April 7, 2010.

After reviewing the motions and the file,

IT IS ORDERED as follows:

1. That **Prisoner's Motion and Affidavit For Leave To Proceed Pursuant To 28 U.S.C. § 1915** [#15] filed April 6, 2010, is **DENIED WITHOUT PREJUDICE** as moot;
2. That Petitioner's **Motion To Appoint Counsel** [#16] filed April 6, 2010, is

¹This minute order is issued pursuant to the express authority of the Honorable Robert E. Blackburn, United States District Judge for the District of Colorado.

DENIED. “A petitioner has no right to counsel in that collateral proceeding.” *Daniels v. Hargett*, 1997 WL 107768 (10th Cir. Mar. 12, 1997) (citing *Clark v. Tansy*, 13 F.3d 1407, 1410 (10th Cir. 1993)). The court finds that the interests of justice do not require an evidentiary hearing or the appointment of counsel at this time. Should the court determine that an evidentiary hearing is required, then the court will consider the appointment of counsel pursuant to Rule 8(c) of the Rules Governing Section 2254 Cases in the United States District Courts;

3. That Petitioner’s **Motion For Discovery Pursuant To Rule 6(a) of The Rules Governing Section 2254 Cases and Rules 26-27, 34-35 of The Federal Rules of Civil Procedure** [#18] filed April 6, 2010, is **DENIED WITHOUT PREJUDICE** for failure to show good cause pursuant to Rule 6(a) of the Rules Governing Section 2254 Cases in the United States District Courts; and

4. That Petitioner’s **Motion For Enlargement of Time** [#20] filed April 7, 2010, is **GRANTED** in part. Petitioner shall have until **May 5, 2010**, to file his reply to Respondents’ **Answer To Application For Writ of Habeas Corpus** [#14] filed March 22, 2010.

Dated: April 27, 2010