

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

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|-----------------------|---|----------------------|
| WENDELL HARPER SMITH, | : | |
| | : | |
| | : | |
| Petitioner | : | |
| | : | |
| VS. | : | NO. 1:07-CV-10 (WLS) |
| | : | |
| Warden DON JARRIEL, | : | |
| | : | |
| | : | |
| Respondent | : | <u>ORDER</u> |

Pro se petitioner **WENDELL HARPER SMITH** has requested this Court to provide legal representation for him in the above-captioned 28 U.S.C. § 2254 proceeding. It appears that at the present time, the essential facts and legal doctrines in this case are ascertainable by the petitioner without the assistance of court-appointed legal counsel and that the existence of exceptional circumstances has not been shown by the petitioner.

The Court on its own motion will consider appointing legal counsel for the petitioner if and when it becomes apparent that legal assistance is required in order to avoid prejudice to his rights. Accordingly, petitioner’s motion for appointment of legal counsel is **DENIED** at this time.

SO ORDERED, this 17th day of January, 2007.

/s/ Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE