

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

ROBERT CARSWELL,

Petitioner

VS.

TERRY O'BRIEN, *et al.*,

Respondent

NO. 5:09-CV-287 (CAR)

Proceedings Under 28 U.S.C. §2241
Before the U. S. Magistrate Judge

ORDER

Petitioner Robert Carswell has filed a motion requesting appointed legal counsel and an evidentiary hearing. Tab #10.

With regard to the petitioner's request for an evidentiary hearing, it appears that this case is presently before the Eleventh Circuit Court of Appeals. Consequently, this court is without jurisdiction to grant such a request. Accordingly, the request for an evidentiary hearing is **DENIED**.

With respect to the request for appointed counsel, and after careful consideration, the same is **DENIED**.

SO ORDERED, this 24th day of NOVEMBER, 2009.



s/ Claude W. Hicks, Jr.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE