

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

STEVEN MITCHELL,	:	
	:	
Petitioner,	:	
	:	
VS.	:	
	:	NO. 5:11-CV-28 (MTT)
Warden WILLIAM M. TERRY,	:	
	:	
Respondent.	:	<u>ORDER</u>

Pro se petitioner **STEVEN MITCHELL**, who has filed a habeas corpus petition under 28 U.S.C. § 2254, has submitted a motion for reconsideration of Magistrate Judge Charles H. Weigle’s denial of petitioner’s motions for “Permission to Exceed Page Limitation” and for “Appointment of Counsel” (Tab # 8). For the reasons stated below, both motions are **DENIED AS MOOT**.

Petitioner’s original motion to exceed the page limitation indicated that said motion applied to “briefs in support.” Magistrate Judge Weigle denied the motion as premature and stated he would rule on the issue if and when petitioner should file a brief in support. Based on the instant motion, it is clear that petitioner was not referring to a subsequent brief, but merely the document the clerk’s office docketed as “Petition” (Tab # 1-1). This Court has accepted the petition as filed and ordered service of it on the respondent.

With respect to petitioner’s request that counsel be appointed, as Judge Weigle noted in his January 31, 2011 order:

[T]here is no general right to legal representation in a federal habeas corpus proceeding. *Wright v. West*, 505 U.S. 277, 293 (1992). The Court can appoint counsel if “an evidentiary hearing is needed, if certain discovery is required, or ‘if the interest of justice so requires,’ provided that petitioner qualifies under 18 U.S.C. § 3006A(g).” *Jones v. Thompson*, 2010 WL 3909966 (S.D. Ga. Oct. 5, 2010) (citing Rules 6(a) & 8(c) of the Rules Governing §

2254 Cases).

Petitioner has adequately stated his claims in his petition and this Court thus determines that appointment of counsel for him is not necessary at this time.

SO ORDERED, this 22nd day of February, 2011.

s/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT