


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

U.S. DISTRICT COURT
SAVANNAH DIV.

2016 SEP 21 AM 9:31

CLERK 
SD. DIST. OF GA.

MARION ROBERT SMITH,)
)
Movant,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

Case No. CV416-150
CR407-288

ORDER

The Court previously issued a Report and Recommendation (R&R) advising dismissal of this 28 U.S.C. § 2255 motion. Doc. 5, *see* doc. 1 (motion). Movant Marion Robert Smith also moved for appointment of counsel. Doc. 3.

The Rules Governing § 2255 Cases provide that appointment of counsel is proper if an evidentiary hearing is needed or if certain discovery is required, provided that the movant qualifies under 18 U.S.C. § 3006A(g). Rules 6(a), 8(c). As reflected in the R&R, Smith has demonstrated his ability to file appropriate pleadings seeking § 2255 relief and neither an evidentiary hearing nor discovery are necessary to resolve his case on the merits. *Jones v. United States*, 2016 WL

3476429, at *4 n.5 (S.D. Ga. June 21, 2016), *adopted*, 2016 WL 4472973 (S.D. Ga. Aug. 24, 2016); *Bing v. United States*, 2015 WL 4092699 at * 3 (S.D. Ga. July 6, 2015). Movant's application for appointment of counsel is therefore **DENIED**.

SO ORDERED, this 20th day of September, 2016.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA