

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

JOHN E BLAIR,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

Case No. 09-cv-1351

ORDER & OPINION

Petitioner has filed a motion for the appointment of counsel (Doc. 7). The motion is DENIED. The appointment of counsel to Petitioner is not appropriate at this time.

The decision of whether to appoint counsel in a federal post-conviction proceeding is within the Court’s discretion. 18 U.S.C. § 3006A(a)(2)(B); Winsett v. Washington, 130 F.3d 269, 281 (7th Cir. 1997). The Court also has broad discretion in deciding whether to *request* that an attorney represent an indigent litigant. 28 U.S.C. § 1915(e)(1); Pruitt v. Mote, 503 F.3d 647, 653-55 (7th Cir. 2007). In deciding whether such a request to counsel is warranted, a district court must first consider whether the indigent litigant has made a reasonable attempt to obtain counsel independently. Pruitt, 503 F.3d at 654. There is no indication that Petitioner has made a reasonable effort to obtain counsel independently. Further, at this time, the Court does not believe that the representation of Petitioner by an attorney would affect the outcome of this action. If discovery or an evidentiary hearing becomes

necessary, or if the Court finds that changed circumstances warrant the appointment of counsel at some point down the line, the Court will revisit today's decision.

IT IS THEREFORE ORDERED that Petitioner's motion for the appointment of counsel (Doc. 7) is DENIED.

Entered this 9th day of November, 2009.

s/ Joe B. McDade

JOE BILLY MCDADE
United States District Judge