

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

WILLIAM DALE CARTER,)	
)	
Petitioner,)	
)	
v.)	No. 08-3286
)	
ILLINOIS, ILLINOIS ATTORNEY)	
GENERAL, TOM W. WEGER,)	
)	
Respondents.)	

OPINION

JEANNE E. SCOTT, U.S. District Judge:

This cause is before the Court on Petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody (d/e 1) (Petition). This is the initial consideration of Petitioner's Petition under Rule 4 of the Rules Governing § 2254 Cases. Petitioner also filed a number of Motions, which are addressed below.

After a review of the Petition, this Court finds that a summary dismissal is not warranted. Therefore, pursuant to Rule 4, the Court directs the Attorney General for the State of Illinois to respond to Petitioner's Petition. The response shall discuss the merits and the procedural posture

of the Petition, i.e. whether Petitioner has exhausted his state remedies and/or procedurally defaulted any claims. See Rule 5 of the Rules Governing § 2254 Cases.

THEREFORE, the Attorney General for the State of Illinois is ordered to file an answer pursuant to Rule 5 of the Rules Governing 28 U.S.C. § 2254 Cases to Petitioner's Petition for a Writ of Habeas Corpus on or before June 1, 2009, and to provide the Court with a copy of trial transcripts on or before that date. Petitioner is granted 21 days from the time the answer is filed to file a reply.

Additionally, Petitioner has filed a Motion for Appointment of Counsel (d/e 6). There is no guaranteed right to assistance of counsel in a civil case. DiAngelo v. Illinois Dep't of Public Aid, 891 F.2d 1260, 1262 (7th Cir. 1989). The Court has not yet determined whether it must hold a hearing on the Petition. If the Court finds it necessary to hold a hearing, at that time the Court will appoint counsel pursuant to Rule 8 of the Rules Governing 28 U.S.C. § 2254 Cases. THEREFORE, Petitioner's Motion for Appointment of Counsel (d/e 6) is DENIED.

Petitioner also filed a Motion for Service (d/e 8) asking the Court to serve all Defendants. The Court previously denied Petitioner's request to

file *in forma pauperis*, however. THEREFORE, the Motion for Service (d/e 8) also is DENIED. The Clerk of Court is directed to send Petitioner a copy of his Petition, however, because he indicates that he sent the Court his only copy and will need it to serve Defendants.

Finally, Petitioner has filed a Motion to Allow Expansion of Pleadings (d/e 5), asking the Court to consider documents he attached when it decides his Petition. The Court will do so. THEREFORE, Petitioner's Motion to Allow Expansion of Pleadings (d/e 5) is ALLOWED.

IT IS THEREFORE SO ORDERED.

ENTER: March 4, 2009

FOR THE COURT.

s/ Jeanne E. Scott
JEANNE E. SCOTT
UNITED STATES DISTRICT JUDGE