

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

ROBERT A. HEARN,)	
)	
Petitioner,)	
)	
v.)	No. 10-3092
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

OPINION

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

This cause is before the Court on Petitioner’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, and Supporting Memorandum of Law (Petition) (d/e 1). The Petition also contains a request that the Court appoint counsel to represent Petitioner. The Court now makes the initial consideration of the Petition under Rule 4 of the Rules Governing Section 2255 Proceedings.

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 United States to respond to the Petition. The response shall discuss the merits and the procedural posture of the Petition, as laid out in Rule 5 of

the Rules Governing Section 2255 Proceedings.

Turning to Petitioner's request for appointment of counsel, the Court points out that there is no guaranteed right to the assistance of counsel in a civil case. See DiAngelo v. Ill. Dept. of Public Aid, 891 F.2d 1260, 1262 (7th Cir. 1989). However, if the Court finds that an evidentiary hearing on Hearn's Petition is warranted, the Court will appoint counsel pursuant to Rule 8 of the Rules Governing Section 2255 Proceedings.

THEREFORE, the United States Attorney is ordered to file an answer pursuant to Rule 5 of the Rules Governing Section 2255 Proceedings to the Petition on or before May 26, 2010. Petitioner is granted twenty-one days from the date the answer is filed to file a reply. Petitioner's request for appointment of counsel is denied.

IT IS THEREFORE SO ORDERED.

ENTER: April 26, 2010

FOR THE COURT:

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