



appeal). 26 F.3d at 718-19. However, *Castellanos* regarded an appeal from a criminal conviction and the petitioner's right to effective assistance of counsel during trial and direct appeal. Mr. Blount wanted counsel to appeal from the Court's denial of his § 2255 collateral attack on his sentence. The difference between *Castellanos* and Mr. Blount's motion here, is that Mr. Blount did not have a constitutional right to effective assistance of counsel for his § 2255 motion. *See Johnson v. McBride*, 381 F.3d 587, 590 (7th Cir. 2004) ("Once trial and direct appeals have run their course, however, neither the sixth amendment nor federal law guarantees effective assistance of counsel for collateral proceedings, not even in an capital case."); *see also Coleman v. Thompson*, 501 U.S. 722, 752 (1991) ("There is no constitutional right to an attorney in state post-conviction proceedings. Consequently, a petitioner cannot claim constitutionally ineffective assistance of counsel in such proceedings."); *citing Wainwright v. Torna*, 455 U.S. 586 (1982) (where there is no constitutional right to counsel there can be no deprivation of effective assistance); *and Cannon v. United States*, 326 Fed. Appx. 393, 395 (7th Cir. 2009), *citing* 28 U.S.C. § 2254(i) ("Prisoners do not have a constitutional right to counsel in prosecuting a collateral attack, and so the shortcomings of lawyers at this stage fall on the prisoner himself rather than being imputed to the state. This means that the ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief. Although that provision applies directly to § 2254 proceedings, the principle is no less applicable to § 2255 proceedings.").

Mr. Blount had no right to effective assistance of counsel in his collateral § 2255 proceeding. Thus counsel's failure to file an appeal from the denial of Mr. Blount's § 2255 motion does not merit a determination of ineffective assistance and does not provide ground for relief. Mr. Blount's motion is DENIED and this actions remains CLOSED.

**IT IS SO ORDERED.**

DATED: 8/11/2011

*s/ G. Patrick Murphy*  
G. PATRICK MURPHY  
United States District Judge