

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

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|-----------------------|---|--------------------------------|
| LERON WILBORN, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | CIVIL NO. 10-cv-423-JPG |
| |) | |
| DONALD GAETZ, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

GILBERT, District Judge:

In 2006, Petitioner Leron Wilborn was convicted of two counts of first degree murder in St. Clair County, Illinois. Wilborn, who is currently serving a life sentence in the Menard Correctional Center, brings this habeas corpus action pursuant to 28 U.S.C. § 2254. to challenge the constitutionality of his conviction and sentence.

Wilborn also seeks appointment of counsel in this matter. While civil litigants do not have a constitutional or statutory right to counsel, the Criminal Justice Act, 18 U.S.C. § 3006A(a)(2)(B), authorizes a district court to appoint counsel for a petitioner seeking habeas relief under § 2254. With his motion, Wilborn has made no showing with respect to his financial eligibility, as required by § 3006A. Accordingly, Wilborn’s motion (Doc. 3) is **DENIED**, without prejudice.

IT IS HEREBY ORDERED that Respondent shall, within twenty-three (23) days of receipt of this application for Writ of Habeas Corpus, answer and show cause why the writ should not issue.

Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph,

12th Floor, Chicago, Illinois 60601 shall constitute sufficient service.

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be **REFERRED** to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

Petitioner is **ADVISED** of his continuing obligation to keep the Clerk and each opposing party informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven (7) days after a transfer or other change in address occurs. Failure to provide such notice may result in dismissal of this action. *See* FED.R.CIV.P. 41(b).

IT IS SO ORDERED.

Dated: August 10, 2010

s/ J. Phil Gilbert

U. S. District Judge