

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

CARL COOPER,	)	
	)	
Petitioner,	)	
vs.	)	No. 1:16-cv-2994-TWP-MJD
	)	
SUPERINTENDENT, Correctional	)	
Industrial Facility,	)	
	)	
Respondent.	)	

**E N T R Y**

The petitioner's motion for the appointment of counsel in this action for habeas corpus relief has been considered. Such a motion may be granted where the court finds it is in the interests of justice to make such appointment. *See* 18 U.S.C. § 3006A(a)(2)(B). Courts have made appointment of counsel the exception rather than the rule by limiting it to: (1) capital cases; (2) cases that turn on substantial and complex procedural, legal or mixed legal and factual questions; (3) cases involving uneducated or mentally or physically impaired petitioners; (4) cases likely to require the assistance of experts either in framing or in trying the claims; (5) cases in which petitioner is in no position to investigate crucial facts; and (6) factually complex cases. *See generally* 1 J. Liebman & R. Hertz, *Federal Habeas Corpus Practice and Procedure* § 12.3b at 383-86 (2d ed. 1994).

This habeas action brought by a state prisoner. He has shown that he is very familiar with the pertinent facts. Although the action is at an early stage, it can be anticipated that the record will be appropriately expanded. No discovery is warranted and no evidentiary hearing or other unusual proceedings are likely. There are no extraordinary circumstances in this case and the circumstances

just noted above do not show that it is in the interests of justice that counsel be appointed for the petitioner.

The petitioner's motion for the appointment of counsel [dkt 7] is **denied**.

IT IS SO ORDERED.

Date: 11/21/2016

A handwritten signature in black ink, reading "Tanya Walton Pratt", is written over a horizontal line.

TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

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