

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WILLIS SHANE GORDON,

Petitioner,

v.

CASE NO. 17-3184-SAC

SAM CLINE,

Respondent.

MEMORANDUM AND ORDER

This matter, a petition for habeas corpus filed under 28 U.S.C. § 2254, comes before the Court on petitioner's motions to produce trial transcripts and to appoint counsel and on respondent's motion for an extension of time.

Motion for transcripts

Petitioner states that he has copies of his trial transcripts and seeks copies of his habeas corpus transcripts. Generally, indigent prisoners do not have a right to free transcripts to allow them to search the record for error. *Webb v. Albaugh*, 2017 WL 1233954 *8 (E.D. Okla. Jan. 20, 2017) (citation omitted). Here, petitioner does not identify a specific need that warrants additional consideration, and the Court therefore denies the motion.

Motion for appointment of counsel

Petitioner also moves for the appointment of counsel. An applicant for habeas corpus relief has no constitutional right to the appointment of counsel. *See Swazo v. Wyo. Dept. of Corr.*, 23 F.3d 332, 333 (10th Cir. 1994) ("[T]here is no constitutional right to counsel beyond the appeal of a criminal conviction, and ... generally appointment of counsel in a § 2254 proceeding is left to the court's

discretion.”). Rather, the court may appoint counsel when “the interests of justice so require” for a petitioner who is financially eligible. See 18 U.S.C. § 3006A(1)(2)(b).

The court has studied the petition and concludes that the appointment of counsel is not warranted in this matter. Petitioner does not identify any unusually complex issues of fact or law, and he is able to present his claims clearly.

Motion to extend time

Respondent seeks an extension of time to and including January 29, 2018, to file an Answer and Return in this action. The Court grants that motion and extends the time for filing a response to and including January 29, 2018, and for filing a traverse to and including March 1, 2018.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner’s motion to produce transcripts (Doc. #7) is denied.

IT IS FURTHER ORDERED petitioner’s motion to appoint counsel (Doc. #8) is denied.

IT IS FURTHER ORDERED respondent’s motion for extension of time (Doc. #9) is granted. The time for filing a responsive pleading is extended to and including January 29, 2018, and the time for filing a traverse is extended to and including March 1, 2018.

IT IS SO ORDERED.

DATED: This 28th day of November, 2017, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge