

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
NORTHERN DIVISION at COVINGTON

|                       |   |                           |
|-----------------------|---|---------------------------|
| WILLIAM ROYAL PETREY, | ) |                           |
|                       | ) |                           |
| Petitioner,           | ) |                           |
|                       | ) |                           |
| v.                    | ) | Civil No. 21-149-JMH-CJS  |
|                       | ) |                           |
| COMMONWEALTH OF KY,   | ) | <b>MEMORANDUM OPINION</b> |
|                       | ) | <b>AND ORDER</b>          |
| Respondent.           | ) |                           |

\* \* \* \* \*

Petitioner William Royal Petrey, proceeding without a lawyer, has filed documents with the Clerk of Court, which filing was docketed as a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254. [DE 1]. Petrey has also filed multiple requests for this Court to appoint him counsel. [See DE 4; DE 5; DE 6; DE 7; DE 8; and DE 9].

After review of Petrey's initial filing, it is not clear what it is that Petrey seeks to accomplish—filing for habeas relief, asserting civil rights claims, or something else. To the extent Petrey is seeking habeas relief, he already did so in a prior case with this Court, *Petrey v. Bottom*, Civil Action No. 2:16-cv-72-GFVT-REW, and this current filing would qualify as a second or successive petition. Petrey would therefore be required to obtain permission from the Sixth Circuit Court of Appeals before he could present a second or successive application. See 28 U.S.C. § 2244(b)(3). To the extent Petrey is seeking to pursue civil rights

claims, he previously attempted to do so in *Petrey v. Barlett, et al.*, Civil Action No. 2:20-cv-107-JMH. Like that prior case, any civil rights claim presented by his current filing must be dismissed for failure to state a claim. Finally, to the extent Petrey is asking the Court to investigate his case, that is not the proper function of this Court. Nor is it warranted for the Court to appoint an attorney to assist Petrey in investigating his conviction and incarceration.

Accordingly, **IT IS HEREBY ORDERED** as follows:

- (1) To the extent Petrey's filing [DE 1] is construed as a motion seeking habeas relief, the clerk is **DIRECTED** to **TRANSFER** the case to the Sixth Circuit Court of Appeals.
- (2) The rest of the filing [DE 1] and the multiple requests to appoint counsel [DE 4; DE 5; DE 6; DE 7; DE 8; and DE 9] are **DENIED**.
- (3) The Clerk is **DIRECTED** to **ADMINISTRATIVELY CLOSE** this case pending further order from the Court of Appeals.

This the 6th day of July, 2022.



Signed By:

Joseph M. Hood *JMH*

Senior U.S. District Judge