

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

VINCENT MARK CASTILLO

CIVIL ACTION

VERSUS

NUMBER: 14-2916

ROBERT C. TANNER, STATE OF
LOUISIANA

SECTION: "A"(5)

ORDER

Presently before the Court is Petitioner's "Objection to Magistrate's 1/12/15 Order and Request for Extension and Record and Counsel" that was docketed as a motion for reconsideration. (Rec. doc. 8). The Court's order of January 12, 2015 provided, *inter alia*, that Castillo complete and return the Congressionally-prescribed form for seeking federal habeas corpus relief under 28 U.S.C. §2254 as is required by Rule 2(d) of the Rules Governing Section 2254 Cases in the United States District Courts. (Rec. doc. 7). The use of such forms is required. *See Propes v. Quarterman*, 573 F.3d 225, 231 (5th Cir. 2009), *cert. denied*, 560 U.S. 907, 130 S.Ct. 3272 (2010)(citing Advisory Committee Notes to Rule 2, Subdiv. "c," of the Rules Governing Section 2254 Cases in the United States District Courts). Accordingly, to the extent that Castillo seeks reconsideration of the Court's previous order requiring him to complete and return the proper form, his request is denied. The Court will grant him, however, until February 20, 2015 within which to do so. As that form petition, following its completion and return by Castillo, will effectively become the initial pleading in this case, there is no further "record" that is presently before the Court that it could order be copied and provided to him. Accordingly, Petitioner's motion is denied in that respect. Finally, because a petitioner has no right to the appointment of counsel in a non-

capital habeas proceeding such as this one, *McFarland v. Scott*, 512 U.S. 849, 857 n. 3, 114 S.Ct. 2568, 2573 n. 3 (1994), Castillo's motion is denied in that respect as well.

New Orleans, Louisiana, this 6th day of February, 2015.



MICHAEL B. NORTH
UNITED STATES MAGISTRATE JUDGE