

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____ )	
CARLO PIERRE, )	
Petitioner, )	
) )	
) )	Civil Action No.
) )	16-11843-NMG
) )	
SEAN MEDEIROS, Superintendent, )	
Respondent. )	
_____ )	

ORDER

GORTON, J.

On September 9, 2016, state prisoner Carlo Pierre filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 and motions for leave to proceed in forma pauperis and for appointment of counsel. The petitioner paid the filing fee.

Accordingly:

1. The motion for leave to proceed in forma pauperis is GRANTED to the extent that the petitioner seeks indigent status for the purpose of requesting the appointment of counsel. The motion is otherwise DENIED WITHOUT PREJUDICE to renewal should the petitioner later seek waiver of a specific fee or cost.

2. The motion for appointment of counsel is DENIED WITHOUT PREJUDICE. Under the Criminal Justice Act ("CJA"), 18 U.S.C. § 3006A, the Court may appoint counsel for a "financially eligible" habeas petitioner if "the interests of justice so require," 18 U.S.C. § 3006A(a)(2), including when the Court decides to conduct an evidentiary hearing on the petition, see Rule 8(c) of the Rules Governing Section 2254 Cases.

Although the petitioner is financially eligible for the appointment of CJA counsel, the interests of justice do not

require the appointment of counsel at this stage of the proceedings. The petitioner may renew his request for counsel after the respondent has responded to the petition.

**So ordered.**

/s/ Nathaniel M. Gorton  
Nathaniel M. Gorton  
United States District Judge

Dated: 9/27/16