

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSALBERT E. IAQUINTA,
Petitioner,

v.

CIVIL ACTION NO. 17-11052-MPK

S. SPAULDING, WARDEN,
Respondent.MEMORANDUM AND ORDER

KELLEY, U.S.M.J.

Now pending before the Court are petitioner's motion (#16) to appoint a guardian ad litem ("GAL") and letter (#15) requesting the status of this action. On April 18, 2018, a Service Order (#14) issued along with the form for Consent/Refusal of Magistrate Judge Jurisdiction and instructions. At that time, Warden Spaulding was substituted for Warden Grondolsky pursuant to Rule 25(d) of the Federal Rules of Civil Procedure. *Id.*

The Court's records indicate that only petitioner has appeared in this action. In support of his motion for appointment of a GAL, petitioner states that he did not finish high school and does not have funds to pay an attorney for legal assistance. To the extent petitioner seeks appointment of counsel, the Court cannot find at this stage of the proceedings that it is in the interests of justice to appoint counsel pursuant to 18 U.S.C. § 3006A. The fact that petitioner cannot afford to retain counsel to represent him is insufficient to warrant appointment of counsel. Accordingly, petitioner's motion is denied without prejudice to renew after the Respondent has filed a response to the petition, and upon a showing by petitioner that it is in the interests of justice to appoint counsel in light of the response.

Accordingly, it is hereby ordered that:

1. Petitioner's Motion (#16) to Appoint Guardian Ad Litem is denied.

2. The Clerk of this Court shall serve on Warden Spaulding and the United States Attorney a copy of the petition (#13) as well as the form for Consent/Refusal of Magistrate Judge Jurisdiction and instructions (#14-1).

3. The Respondent shall, within 21 days of receipt of this Order, file an answer or other responsive pleading.

So Ordered.

June 7, 2018

/s/ Page Kelley
M. Page Kelley
United States Magistrate Judge