

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DESEAN DONALDSON,

Petitioner,

v.

CASE NO. 99-73682

GREG MCQUIGGIN,

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

Petitioner Desean Donaldson has filed a petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition challenges Petitioner's Oakland County convictions for second-degree murder and felony firearm on grounds that the evidence was insufficient to support the murder conviction and Petitioner's sentence of thirty-five to seventy years was cruel and unusual punishment. Respondent argues in an answer to the petition that Petitioner's claims lack merit and are barred from substantive review by the one-year statute of limitations. Currently pending before the Court is Petitioner's motion for appointment of counsel. Petitioner alleges that he cannot afford to retain counsel and that he is not sufficiently literate to represent himself.

"[T]here is no constitutional right to counsel in habeas proceedings," *Post v. Bradshaw*, 422 F.3d 419, 425 (6th Cir. 2005), and the habeas petition clearly sets forth Petitioner's claims. Accordingly, the motion for appointment of counsel [Dkt. #8] is **DENIED** without prejudice.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: April 7, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on April 7, 2010.

s/Denise Goodine

Case Manager