

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY JEROME HAMILTON,
172463

Petitioner,

v.

CASE NO. 07-15391
HONORABLE STEPHEN J. MURPHY, III

MARY BERGHUIS,

Respondent.

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

Petitioner Jeffrey Jerome Hamilton has appealed the Court's opinion and judgment dismissing his habeas corpus petition as time-barred. Currently pending before the Court is Hamilton's motion for appointment of counsel to assist him with his appeal.

A notice of appeal generally "confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal." *Marrese v. American Academy of Orthopaedic Surgeons*, 470 U.S. 373, 379 (1985) (citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (*per curiam*)). A district court lacks jurisdiction to address a motion for appointment of counsel after a notice of appeal is filed. *Murray v. Artl*, 189 Fed. Appx. 501, 504 (7th Cir. 2006) (unpublished). Accordingly, the motion for appointment of appellate attorney [Dkt. 16] is DENIED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: December 23, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 23, 2009, by electronic and/or ordinary mail.

s/Alissa Greer
Case Manager