

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD L. GIRARD,

Petitioner,

v.

Case No. 10-CV-10090

SHERRY BURT,

Respondent.

OPINION AND ORDER DENYING MOTION TO APPOINT COUNSEL

On January 11, 2010, Petitioner Richard L. Girard, a state inmate currently incarcerated at the Charles Egeler Reception and Guidance Center in Jackson, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Pending before the court is Petitioner's motion to appoint counsel, filed on January 11, 2010. For the reasons stated below, the court will deny Petitioner's motion.

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.”) (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henver the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B).

In the instant case, the court determines, after careful consideration, that the interests of justice do not require appointment of counsel at this time.

Accordingly, IT IS ORDERED that Petitioner's motion to appoint counsel [Dkt. # 2] is DENIED WITHOUT PREJUDICE. The court will reconsider Petitioner's motion if it determines, at a later date, that appointment of counsel would be necessary. Petitioner need not file any additional motions.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 10, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 10, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522