

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

DEMETRIUS L. HURD,

Petitioner,

Case Number: 2:11-CV-10600

v.

HONORABLE ARTHUR J. TARNOW

CAROL HOWES,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT
OF COUNSEL WITHOUT PREJUDICE**

Petitioner Demetrius Hurd, a state inmate currently incarcerated at the Lakeland Correctional Facility in Coldwater, Michigan, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the Court is Petitioner's Motion for Appointment of Counsel.

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. *Franklin v. Rose*, 765 F.2d 82, 85 (6th Cir. 1985) (holding that a habeas petitioner is not entitled to the appointment of counsel to assist in habeas corpus proceedings); *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). The Court determines that the interests of justice do not require appointment of counsel at this time.

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Appointment of Counsel [dkt. # 6] is **DENIED WITHOUT PREJUDICE**. The Court will reconsider Petitioner's motion if it determines at a later date that appointment of counsel is necessary.

S/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge

Dated: July 20, 2011

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on July 20, 2011, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Secretary