

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN RAY,

Petitioner,

v.

MITCH PERRY,

Respondent.

Case Number 11-11100
Honorable David M. Lawson
Magistrate Judge Charles E. Binder

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

The matter is before the Court on the petitioner's motion for appointment of counsel. There is no constitutional right to counsel for habeas proceedings. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Post v. Bradshaw*, 422 F.3d 419, 423 n.1 (6th Cir. 2005). Habeas proceedings are civil proceedings, *Browder v. Director, Dep't of Corr. of Ill.*, 434 U.S. 257, 269 (1978), and "appointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *U.S. v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). The Court does not see grounds to grant the petitioner's motion at the present time.

Accordingly, it is **ORDERED** that the petitioner's application for appointment of counsel [dkt #8] is **DENIED**.

s/David M. Lawson

DAVID M. LAWSON
United States District Judge

Dated: November 21, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 21, 2011.

s/Deborah R. Tofil _____
DEBORAH R. TOFIL