

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

EVERETT FORD,

Petitioner,

Case Number 11-12760
Honorable Denise Page Hood

v.

GREG MCQUIGGIN,

Respondent.

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL [DKT. NO. 8]**

On June 27, 2011, Petitioner Everett Ford, a state inmate, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Pending before the Court are his motion for appointment of counsel. (Dkt. No. 8). For the reasons set forth below, the Court will deny the motion without prejudice.

The constitutional right to counsel in criminal proceedings provided by the Sixth Amendment does not apply to an application for writ of habeas corpus, which is a civil proceeding. *Cobas v. Burgess*, 306 F.3d 441, 444 (6th Cir. 2002), cert. denied, 538 U.S. 984 (2003), reh. denied, 539 U.S. 970 (2003). The Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). 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 this case, after the Court has carefully reviewed the pleadings and state court record, if the Court determines that appointment of counsel is necessary, then it will do so at that time.

Accordingly, **IT IS ORDERED** that Petitioner's "Motion for Appointment of Counsel" is
DENIED WITHOUT PREJUDICE.

SO ORDERED.

Dated: November 2, 2011

S/Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to Everett Ford, 18650 Chippewa Correctional Facility, 4269 W. M-80, Kincheloe, MI 49784 the attorneys of record on this date, November 2, 2011, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160