

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILLIP MOSHER,

Petitioner,

Case No. 11-13270

Honorable David M. Lawson

v.

KENNETH MCKEE,

Respondent.

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

On November 28, 2011, the Court received a letter from the petitioner asking for the Court's help in referring him to a pro bono attorney. The Court will construe the petitioner's letter as a 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 #10] is **DENIED WITHOUT PREJUDICE**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: December 9, 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 December 9, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL