

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RYAN BROWN,

Petitioner,

Case No. 13-cv-11367

Hon. Matthew F. Leitman

v.

KEN ROMANOWSKI,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF
COUNSEL (ECF #16)**

On July 1, 2015, this Court denied Petitioner Ryan Brown (“Brown”) a writ of habeas corpus. (*See* ECF #13.) The Court, however, did grant Brown a limited certificate of appealability and permission to proceed *in forma pauperis* on appeal. (*See id.* at 33-35, Pg. ID 881-883.)

Brown filed a Notice of Appeal with this Court on July 14, 2015. (*See* ECF #16.) He has also filed a motion with this Court requesting that the Court appoint him counsel on appeal. (*See id.*) However, “Petitioner's notice of appeal divests this Court of jurisdiction to consider his motion for the appointment of appellate counsel.” *Wagner v. Smith*, No. 06-10514, 2007 WL 3124659, at *2 (E.D. Mich. Oct. 25, 2007); *see also Allen v. Howes*, No. 05-10304, 2009 WL 1033319, at *1 (E.D. Mich. Apr. 16, 2009) (same). “Therefore, only the United States Court of

Appeals for the Sixth Circuit has the authority to appoint counsel to represent the [P]etitioner on appeal.” *Allen* at *1.

Accordingly, **IT IS HEREBY ORDERED** that Petitioner’s motion for the appointment of appellate counsel (ECF #16) is **DENIED**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: July 17, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 17, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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