

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OMAR RASHAD POUNCY,

Petitioner,

Case No. 13-cv-14695

Hon. Matthew F. Leitman

v.

MATT MACAULEY,¹

Respondent.

**ORDER DENYING PRO PER MOTION TO ACCEPT SUPPLEMENTAL
BRIEF AND/OR TO AMEND REPLY BRIEF (ECF No. 341)**

In this habeas action, Petitioner Omar Pouncy is represented by, among other attorneys, Aaron Katz from the Ropes & Gray law firm. Since entering the case, Mr. Katz has performed at the very highest level. He has provided Pouncy with truly outstanding representation. In connection with a recent round of briefing, Mr. Katz filed a 48-page reply brief in further support of Pouncy's petition for a writ of habeas corpus. (*See* Reply, ECF No. 335.) Pouncy has now moved for leave to file an

¹ The proper respondent in a habeas action is the habeas petitioner's custodian, which in the case of an incarcerated habeas petitioner is the warden of the facility where he is incarcerated. *See* Rule 2(a), 28 U.S.C. § 2254; *Edwards v. Johns*, 450 F.Supp.2d 755, 757 (E.D. Mich. 2006). Pouncy is presently incarcerated at the Bellamy Creek Correctional Facility where Matt Macauley is Warden. *See* https://www.michigan.gov/corrections/0,4551,7-119-68854_1381_1388-5481--,00.html.

additional pro per reply of 296 pages. (*See* Motion, ECF No. 341; proposed reply, ECF No. 336-1.) That motion is DENIED. A habeas petitioner may represent himself, or he may choose to be represented by counsel. But he has no right to both represent himself and proceed with representation by counsel. Mr. Katz's reply brief is – like all of his filings – work of exceptional quality. Mr. Katz has thoroughly and appropriately addressed all of the issues that he, in the exercise of his sound professional judgment, deems worthy of addressing. The Court is not persuaded that Pouncy has any need to supplement Mr. Katz's filing with another reply. The Court will focus carefully on Mr. Katz's reply. It will not review Pouncy's proposed additional reply.

IT IS SO ORDERED.

Dated: February 18, 2021

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

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 18, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9761