

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUGLAS JACKSON,

Petitioner,

v.

LES PARISH,

Respondent.

Case No. 15-cv-11622

UNITED STATES DISTRICT COURT
JUDGE
GERSHWIN A. DRAIN

**OPINION AND ORDER DENYING THE MOTION FOR THE
APPOINTMENT OF COUNSEL [#85]**

Douglas Jackson (“Petitioner”) filed a petition for writ of habeas corpus with this Court pursuant to 28 U.S.C. § 2254. On September 20, 2019, this Court held the petition in abeyance and administratively closed the case so that petitioner could complete state post-conviction proceedings in the state courts where he was attempting to exhaust additional claims. ECF No. 84.

Petitioner has now filed a motion for the appointment of counsel, which is DENIED.

There is no constitutional right to counsel in habeas proceedings. *Cobas v. Burgess*, 306 F. 3d 441, 444 (6th Cir. 2002). The decision to appoint counsel for a federal habeas petitioner is within the discretion of the court and is required only where the interests of justice or due process so require. *Mira v. Marshall*, 806 F. 2d

636, 638 (6th Cir. 1986). Since petitioner has failed to exhaust his state court remedies, he is not entitled at this time to the appointment of counsel to assist him with his habeas petition. *See e.g. Villeneuve v. Romanowski*, No. 2:14-CV-13768, 2015 WL 4429733, at * 5 (E.D. Mich. July 20, 2015)(citing *Dupree v. Jones*, 281 F. App'x. 559, 561 (7th Cir. 2008)(unpublished)). Moreover, a trial court in Michigan is authorized to appoint counsel for the petitioner to assist him with his post-conviction proceedings. *See M.C.R. 6.505; see also Nasr v. Stegall*, 978 F. Supp. 714, 717 (E.D. Mich. 1997). Petitioner should therefore direct his request for the appointment of post-conviction counsel to the Wayne County Circuit Court.

The motion for the appointment of counsel is therefore DENIED.

IT IS SO ORDERED.

Dated: October 9, 2019

s/Gershwin A. Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, October 9, 2019, by electronic and/or ordinary mail.

s/Teresa McGovern
Case Manager