

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN GREENE, #345131,

Petitioner,

v.

CASE NO. 2:15-CV-13008
HONORABLE GERALD E. ROSEN

SHERRY BURT,

Respondent.

**ORDER DENYING PETITIONER'S MOTIONS FOR
APPOINTMENT OF COUNSEL AND ORAL ARGUMENT**

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Petitioner, a Michigan prisoner, was convicted of conducting a criminal enterprise, larceny of \$1,000 or more but less than \$20,000, and larceny of \$20,000 or more following a jury trial in the Ogemaw County Circuit Court and was sentenced as a third habitual offender to concurrent terms of 10 to 40 years imprisonment, 2 to 10 years imprisonment, and 2 to 20 imprisonment in 2012. In his petition, he raises claims concerning the conduct of the prosecutor, the effectiveness of trial and appellate counsel, the sufficiency of the evidence, an amendment to the information, the jury instructions, and the state court's jurisdiction. This matter is before the Court on Petitioner's motions for appointment of counsel and oral argument. Petitioner states that he cannot afford counsel, that he has limited legal knowledge, and that his issues are complex.

A state prisoner has no absolute right to be represented by counsel on federal habeas review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)).

“[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Petitioner has submitted his habeas petition and supporting documents. Respondent has recently filed an answer to the petition and the state court record. Petitioner has filed a reply contemporaneously with his motions.

Having conducted a preliminary review of the pleadings, the Court finds that neither an evidentiary hearing, discovery, nor oral arguments are necessary for the resolution of this case, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); Rules 6(a) and 8(c), Rules Governing Section 2254 Cases. Accordingly, the Court **DENIES** Petitioner’s motions for appointment of counsel and oral argument.

IT IS SO ORDERED.

s/Gerald E. Rosen
United States District Judge

Dated: May 2, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 2, 2016, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135