

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARTHUR CORTEZ GREER, JR.,

Petitioner,

v.

DEBRA SCUTT,

Respondent.

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Case No. 11-12745

Honorable John Corbett O'Meara

**ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL,  
DENYING AS MOOT PETITIONER'S MOTION TO EXTEND TIME, AND  
DENYING AS MOOT PETITIONER'S MOTION TO EXTEND PAGE LIMIT**

This matter came before the court on petitioner Arthur Cortez Greer, Jr.'s January 2, 2013 Motion for Extension of Time to Respond to Report and Recommendation, Motion for Extension of Five-Page Limit, and Motion for Appointment of Counsel. No response was filed, and no oral argument was heard.

The appointment of counsel in a civil case is a privilege and not a constitutional right, one that should be allowed only in exceptional cases. Lopez v. Reyes, 692 F.2d 15, 17 (5<sup>th</sup> Cir. 1982). The United States Court of Appeals for the Sixth Circuit has advised that district courts, in considering an application for appointment of counsel in civil cases, "should at least consider plaintiff's financial resources, the efforts of plaintiff to obtain counsel, and whether plaintiff's claim appears to have any merit." Henry v. City of Detroit Manpower Dep't., 763 F.2d 757, 760 (6<sup>th</sup> Cir. 1985). In reviewing Petitioner's motion for appointment of counsel, the court finds no exceptional circumstances for the appointment of counsel. Therefore, the court will deny this portion of Petitioner's motion.

On December 14, 2012, Magistrate Paul J. Komives issued a 36-page Report and Recommendation, recommending that the court deny Petitioner's application for a writ of *habeas corpus*. Pursuant to Rule 72(b)(2) of the Federal Rules of Civil Procedure, Petitioner was allowed 14 days to file objections to the Report and Recommendation. Petitioner filed his motion to extend the time in which to file objections and to extend his page limit January 2, 2013. On January 16, 2013, however, Petitioner filed a 10-page objection to the Report and Recommendation. Although it is not the practice of this court to allow extensions of time and page limits on objections to reports and recommendations, in this limited instance, the court will accept Petitioner's January 16, 2013 objections and deny as moot the portions of the his motion requesting the extensions.

**ORDER**

It is hereby **ORDERED** that petitioner Greer's motion for appointment of counsel is **DENIED**.

It is further **ORDERED** that petitioner Greer's motion for extension of time to file objections and for an extension of the page limit is **DENIED AS MOOT**.

s/John Corbett O'Meara  
United States District Judge

Date: September 11, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, September 11, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager