

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES GEETER, #223130,

Petitioner,

v.

CASE NO. 5:17-CV-11510

HONORABLE JOHN CORBETT O'MEARA

CONNIE HORTON,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF
COUNSEL**

Michigan prisoner Charles Geeter ("Petitioner") has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 asserting that he is incarcerated in violation of his constitutional rights. This matter is before the Court on Petitioner's motion for appointment of counsel. In support of his motion, Petitioner states that he is unable to afford counsel, that his ability to litigate is hampered by his imprisonment, and that his case involves complex and conflicting legal and factual issues.

Petitioner 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)).

In this case, Petitioner has submitted his habeas petition, but Respondent has not yet filed an answer to the petition or the state court record. Those materials are due on December 12, 2017. Petitioner’s request is therefore premature. Moreover, an initial review of the petition indicates that the appointment of counsel is not necessary at this time. The Court will bear in mind Petitioner’s request if, upon a more detailed review of all of the relevant documents, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue. Accordingly, the Court **DENIES WITHOUT PREJUDICE** Petitioner’s motion for appointment of counsel.

IT IS ORDERED.

s/John Corbett O’Meara
United States District Judge

Date: July 18, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 18, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager