

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ERNEST CORNELIUS WILLIAMS,)	
)	
Petitioner,)	
)	
)	No. 490CV239 JAR
)	
TROY STEELE,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner’s Request for Appointment of Attorney, Kevin L. Schreiner (ECF No. 10), Motion for a Default Judgment (ECF No. 14), and Request for Ruling on Petitioner’s Motion for Court Records, Request for Extension of Time to File Reply Brief (ECF No. 15).

I. Request for Appointment of Attorney

“A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998). When determining whether to appoint counsel for an indigent litigant, the Court considers relevant factors, such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. Id. After reviewing these factors, the Court finds that the case is not so factually or legally complex that appointment of counsel is warranted at this time, and the Court will deny the motion.

II. Motion for Default Judgment

Petitioner moves for a default judgment on the basis that respondent has not timely filed a response brief. Respondent did timely file his brief, however, and it is now on the record. (ECF No. 13). As a result, the Court will deny the motion.

III. Request for Ruling and Request for Extension of Time

Petitioner claims he was taken out of the general prison population and placed in the “hole,” without access to his research materials. (ECF No. 15 at 2). Petitioner asks that this Court order the Assistant Attorney General to provide Petitioner with a complete copy of the trial transcript and a copy of all documents pertaining to his original §2254 petition that have been filed in this Court. Petitioner also asks that this Court order Respondent to give Petitioner his legal research notes and documents that are being held in the “PCC property room.” (ECF No. 15 at 4). Petitioner claims that he needs these documents and time to prepare his reply. Petitioner requests an additional 30 days to prepare his reply.

The Court orders the Clerk of the Court to mail Petitioner a copy of the Petition for Writ of Habeas Corpus (ECF No. 1), Motion to Vacate Judgment and Stay Proceedings (ECF No. 7), and Respondent’s Response to Court Order (ECF No. 13). The Court also orders Respondent to provide Petitioner with his legal research and documents in the PCC property room once Petitioner is out of the “hole” and in accordance with the rules and regulations of the Potosi Correctional Center. The Court grants Petitioner until March 27, 2014 to file his Reply.

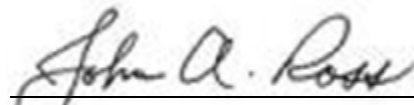
Accordingly,

IT IS HEREBY ORDERED that Petitioner’s Request for Appointment of Attorney, Kevin L. Schreiner [10] is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's Motion for a Default Judgment [14] is **DENIED**.

IT IS FINALLY ORDERED that Petitioner's Request for Ruling on Petitioner's Motion for Court Records, Request for Extension of Time to File Reply Brief [15] is **DENIED**, in part, and **GRANTED**, in part. The Clerk of the Court shall mail Petitioner a copy of the Petition for Writ of Habeas Corpus [1], Motion to Vacate Judgment and Stay Proceedings [7], and Respondent's Response to Court Order [13]. Respondent shall provide Petitioner with his legal research and documents in the PCC property room once Petitioner is out of the "hole" and in accordance with the rules and regulations of the Potosi Correctional Center. Petitioner shall file his Reply in support of his Petition for Habeas Corpus no later than **March 27, 2014**.

Dated this 4th day of March, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE