UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

COREY J. OWENS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 4:12CV00909 TIA
	)	
JEFF NORMAN,	)	
	)	
Respondent.	)	

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Appointment of Counsel. The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

On May 16, 2012, Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 in federal court and an application for appointment of counsel.

"[T]here is neither a constitutional nor statutory right to counsel in habeas proceedings…" McCall v. Benson, 114 F.3d 754, 756 (8th Cir. 1997). In order to determine whether appointment of counsel is appropriate, the court must consider "the factual and legal complexity of the case, and the petitioner's ability both to investigate and to articulate his claims without court appointed counsel." Id. (citations omitted). In the instant case, Petitioner raises one ground for habeas relief in his Amended Petition, asserting that a juror fell asleep during multiple portions of the trial, and counsel neglected to make a record regarding that issue. In the Traverse in opposition to Respondent's Response, Petitioner thoroughly discusses the ground, including legal argument. A review of the Amended Petition shows Petitioner's ground does not appear to be factually or legally complex. Further, review of the Amended Petition and Traverse in

response to the Response to Order to Show Cause demonstrates that Petitioner is able to articulate his claim in a clear, concise manner and support his allegations with case law. Because Petitioner has demonstrated an ability to adequately present his claim without an attorney, his motion for appointment of counsel will be denied at this time.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion to Appoint Counsel (Docket No. 3) is **DENIED**. If the Court later determines that counsel is necessary, the appropriate order will be issued.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 27th day of March, 2013.